

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Construction of code
- 10.05 Rules of interpretation; definitions
- 10.06 Severability
- 10.07 Reference to other sections
- 10.08 Reference to offices; name designations
- 10.09 Errors and omissions
- 10.10 Reasonable time
- 10.11 Repeal or modification of code section
- 10.12 Limitation periods
- 10.13 Ordinances unaffected
- 10.14 Ordinances which amend or supplement code
- 10.15 Section histories; statutory references
- 10.16 Preservation of penalties, offenses, rights, and liabilities

- 10.99 General penalty

§ 10.01 TITLE OF CODE.

All ordinances of a permanent and general nature of the town, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “Town Code,” for which designation “code of ordinances,” “codified ordinances,” or “code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CONSTRUCTION OF CODE.

(A) This code is a codification of previously existing laws, amendments thereto, and newly enacted laws. Any previously existing law or amendment thereto reenacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under laws reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) Any appropriation repealed and reenacted by this code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this code does not resolve a conflict between two or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or subsection.

(E) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.

(F) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters, or sections of this code, as originally enacted or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application, or construction of the law they precede.

(2) Each note following a section of this code is for reference purposes only and is not a part of the section.

(G) All references to any section of this code refer to all subsequent amendments to that section, unless otherwise provided.

(I.C. 1-1-1-5)

§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.

(A) *Rules of interpretation.* This code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary, and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to three or more persons shall be construed as imputing authority to a majority of the persons, unless otherwise declared in the section giving the authority.

(3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(B) *Definitions.* For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CLERK-TREASURER. The Clerk-Treasurer of the Town Council.

COUNCIL. The Town Council.

COUNTY. Wayne County, Indiana.

HIGHWAY. Includes bridges, roads, and streets, unless otherwise expressly provided.

MONTH. One calendar month.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, receiver, and bodies politic. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING and **FOLLOWING.** When referring to sections or divisions in this code, refer to the sections or divisions next following or next preceding that in which the words occur, unless some other section is designated.

TOWNSHIP. The township or townships in which the town is located.

WRITTEN and **IN WRITING**. Include printing, lithographing, or other modes of representing words and letters. Where the written signature of a person is required, the terms mean the proper handwriting of the person, or the person's mark.

YEAR. One calendar year, unless otherwise expressly provided.
(I.C. 1-1-4-5)

§ 10.06 SEVERABILITY.

(A) If any section of this code now enacted or subsequently amended or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

(B) Except in the case of a section or amendment to this code containing a nonseverability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

(1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or

(2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.
(I.C. 1-1-1-8)

§ 10.07 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.

(A) *Reference to offices*. Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(B) *Name designations.* Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority, or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties, or liabilities placed with that entity are or were transferred to a different entity; then the named board, bureau, commission, department, division, officer, agency, authority, or instrumentality, whether correctly named in the ordinance at its effective date or not, means that correctly named entity, or the entity to which the duties, liabilities, powers, and rights were transferred.

(I.C. 1-1-6-1)

§ 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.10 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be a Saturday, Sunday, or a state holiday, it shall be excluded.

§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture, or liability incurred under the section, unless the repealing section so expressly provides. The section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture, or liability.

(I.C. 1-1-5-1)

§ 10.12 LIMITATION PERIODS.

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, or to the prosecution of offenses, or for the recovery of penalties and forfeitures, contained in a law repealed and reenacted by this code, shall not be affected by the repeal and reenactment; but all suits, proceedings, and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been enacted.

Statutory reference:

Periods of limitation, see I.C. 1-1-1-7

§ 10.13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to an indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985; Ord. 30, passed - -; Ord. passed 3-6-1996; Ord. passed - -)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (I.C. 36-5-2-2)

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see I.C. 5-14-3-1 et seq.

(C) If a section of this code is derived from the previous code of ordinances of the town published in 1981 and subsequently amended, the previous code section number shall be indicated in the history by “(1981 Code, § ____).”

§ 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS, AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment, or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.99 GENERAL PENALTY.

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to the following:

(1) A fine not exceeding \$2,500 for the first violation; and

(2) A fine not exceeding \$7,500 for second and subsequent violations, except for violations of ordinances regulating traffic and parking.

(B) A separate violation shall be deemed committed upon each day during which a violation occurs or continues.

(Ord. 8-2008, passed 12-8-2008)

Statutory reference:

Authority, see I.C. 36-1-3-8(a)(10)

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

Use of Firearms and Other Projectiles

- 130.01 Definition
- 130.02 Discharge of firearms
- 130.03 Propelling or discharge of projectiles
- 130.04 Exceptions
- 130.05 Enforcement

Loitering

- 130.20 Definitions
- 130.21 Loitering prohibited

Alcoholic Beverages in Public Places

- 130.35 Consumption prohibited
- 130.36 Open container prohibited

Curfews

- 130.50 Curfew for persons under 18 years of age
- 130.51 Defenses to curfew violations

Use and Storage of Explosives

- 130.65 License
- 130.66 Application; fee
- 130.67 Storage
- 130.68 Employees
- 130.69 Labeling; packaging
- 130.70 Limit on explosive charge
- 130.71 Blasting
- 130.72 Enforcement

- 130.99 Penalty

USE OF FIREARMS AND OTHER PROJECTILES**§ 130.01 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PROJECTILES. May include any objects that can be propelled by hand, sling, device, or other mechanism, and shall include, but not be limited to, fireworks.
(Ord. 5-2001, passed 8-13-2001)

§ 130.02 DISCHARGE OF FIREARMS.

No person shall fire or discharge a gun or firearm within the corporate limits of the town.
(Ord. 5-2001, passed 8-13-2001) Penalty, see § 130.99

§ 130.03 PROPELLING OR DISCHARGE OF PROJECTILES.

No person shall shoot, propel, discharge, or project any stones, missiles, bullets, shot, or any other objects or projectiles either by hand, sling, device, or mechanism within the corporate limits of the town.
(Ord. 5-2001, passed 8-13-2001) Penalty, see § 130.99

§ 130.04 EXCEPTIONS.

This subchapter does not apply to:

(A) Law enforcement officers during the course of their duties;

(B) Persons authorized by law enforcement officers for the protection of life and property; or

(C) A person or organization authorized and sanctioned by the town to conduct the Independence Day celebration fireworks for the community as a whole. The authorization shall be obtained from the Town Council prior to the event on an annual basis, and shall be obtained prior to any such event.
(Ord. 5-2001, passed 8-13-2001)

§ 130.05 ENFORCEMENT.

The Town Marshal or his or her deputies are authorized to enforce the provisions of this subchapter.
(Ord. 5-2001, passed 8-13-2001)

LOITERING

§ 130.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOITERING. Remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression hanging around.

PUBLIC PLACE. Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other places of business as well as public grounds, areas, parks, schools, or school grounds. (1981 Code, § 4.501) (Ord. 3-1991, passed 8-12-1991)

§ 130.21 LOITERING PROHIBITED.

It shall be unlawful for any person to loiter, loaf, wander, stand, or remain idle either alone or in consort with others in a public place in such a manner as to do the following:

(A) Obstruct any public street, public highway, public sidewalk, or any other public place or building hindering, impeding, or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians; and/or

(B) Commit in or on any public street, public highway, public sidewalk, or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in, on, facing, or fronting on any public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto. (1981 Code, § 4.502) (Ord. 3-1991, passed 8-12-1991) Penalty, see § 130.99

ALCOHOLIC BEVERAGES IN PUBLIC PLACES

§ 130.35 CONSUMPTION PROHIBITED.

No person shall consume any intoxicating liquor or any fermented malt beverage while in or upon any public streets, alleys, sidewalks, parking lots, or other public ways. (1981 Code, § 4.1001) (Ord. 7-1984, passed 9-24-1984) Penalty, see § 130.99

§ 130.36 OPEN CONTAINER PROHIBITED.

No person shall be in possession of any glass, can, or open container containing an intoxicating liquor or fermented malt beverage while in or upon any public streets, alleys, sidewalks, parking lots, or other public ways.

(1981 Code, § 4.1002) (Ord. 7-1984, passed 9-24-1984) Penalty, see § 130.99

CURFEWS**§ 130.50 CURFEW FOR PERSONS UNDER 18 YEARS OF AGE.**

(A) *Curfew violations for children 15 through 17 years of age.* It is a curfew violation for a child 15, 16, or 17 years of age to be in a public place:

- (1) Between 1 a.m. and 5 a.m. on Saturday or Sunday;
- (2) After 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
- (3) Before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(B) A law enforcement officer may not detain a child or take a child into custody based on a violation of division (A) above unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- (1) The child has violated division (A); and
- (2) There is no legal defense to the violation.

(C) *Curfew violations for children less than 15 years of age.* It is a curfew violation for a child less than 15 years of age to be in a public place after 11 p.m. or before 5 a.m. on any day.

(D) A law enforcement officer may not detain a child or take a child into custody based on a violation of division (C) above unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- (1) The child has violated division (C); and
- (2) There is no legal defense to the violation.

(E) (1) It is the intent of the town, by adoption of this section, to incorporate the applicable provisions of I.C. 31-37-3, including any amendments thereto and future recodifications thereof.

(2) It is the intent of the town that this section shall be in conformance with and not in conflict with I.C. 31-37-3, including any amendments thereto and future recodifications thereof. Any provision(s) found to be in conflict with the Indiana Code shall be deemed amended to conform to the statute. This section is passed pursuant to I.C. 31-37-3 to govern curfew violations within the town.

(3) To the extent possible under law, any future amendment(s) and/or recodification(s) of the applicable Indiana Code cited above in this section, shall be adopted by the passage of this section, or any amendment(s) thereto, and this section would be amended, without further action, to reflect a change(s) in the citation(s) to the Indiana Code when said updates, amendments, and/or recodifications occur and are appropriate, provided that said updates, amendments, and/or recodifications of the applicable section of the Indiana Code do not alter the purpose of this section. (1981 Code, § 4.1101) (Ord. 2-1991, passed 8-12-1991; Ord. 2-2008, passed 3-10-2008) Penalty, see § 130.99

§ 130.51 DEFENSES TO CURFEW VIOLATIONS.

(A) It is a defense to a violation under § 130.50 that the child was emancipated:

- (1) Under I.C. 31-37-19-27 or I.C. 31-6-4-15.7 (before its repeal);
- (2) By virtue of having been married; or

(3) In accordance with the laws of another state or jurisdiction; at the time that the child engaged in the prohibited conduct.

(B) It is a defense to a violation under § 130.50 that the child engaged in the prohibited conduct while:

- (1) Accompanied by the child's parent, guardian, or custodian;
- (2) Accompanied by an adult specified by the child's parent, guardian, or custodian;
- (3) Participating in, going to, or returning from:
 - (a) Lawful employment;
 - (b) A school sanctioned activity;
 - (c) A religious event;

Cambridge City - General Offenses

(d) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

(e) An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution, of Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or

(f) An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults;

(4) Participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian; or

(5) Engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

(C) (1) It is the intent of the town, by adoption of § 130.51, to incorporate the applicable provisions of I.C. 31-37-3, including any amendments thereto and future recodifications thereof.

(2) It is the intent of the town that this section shall be in conformance with and not in conflict with I.C. 31-37-3, including any amendments thereto and future recodifications thereof. Any provision(s) found to be in conflict with the Indiana Code shall be deemed amended to conform to the statute. This ordinance is passed pursuant to I.C. 31-37-3 to govern curfew violations within the town.

(3) To the extent possible under law, any future amendment(s) and/or recodification(s) of the applicable Indiana Code cited above in this section, shall be adopted by the passage of this section, or any amendment(s) thereto, and this section would be amended, without further action, to reflect a change(s) in the citation(s) to the Indiana Code when said updates, amendments, and/or recodifications occur and are appropriate, provided that said updates, amendments, and/or recodifications of the applicable section of Indiana Code do not alter the purpose of this section.

(1981 Code, § 4.1102) (Ord. 2-1991, passed 8-12-1991; Ord. 2-2008, passed 3-10-2008) Penalty, see § 130.99

USE AND STORAGE OF EXPLOSIVES

§ 130.65 LICENSE.

It shall be unlawful to engage in blasting operations, or in any other activity in which explosives are used, or to store or keep in the town any black powder in excess of five pounds, or any guncotton, giant powder, dynamite, nitroglycerine, fulminate of mercury, or any other explosive or substance, compound, mixture or article having properties of such a character that alone or in combination or contiguity with

other substances or compounds, may decompose suddenly and generate sufficient heat, gas, or pressure to produce rapid flaming combustion or administer a destructive blow to persons or property, without having secured a license therefor and complied with the provisions of this subchapter. (1981 Code, § 4.1301) (Ord. 2-1992, passed 3-19-1992) Penalty, see § 130.99

§ 130.66 APPLICATION; FEE.

Applications for the license shall be made in writing to the Clerk-Treasurer on forms provided by the town. Each application shall set forth the location at which the explosives are to be kept and shall state whether the explosives are to be in bulk, barrels, canisters, cartridges, or other manner, and the maximum amount to be kept on hand at any one time. The annual fee for the license shall be \$100. (1981 Code, § 4.1302) (Ord. 2-1992, passed 3-19-1992)

§ 130.67 STORAGE.

No explosives shall be stored in any building other than a fireproof building in full compliance with the building code of the town. (1981 Code, § 4.1303) (Ord. 2-1992, passed 3-19-1992) Penalty, see § 130.99

§ 130.68 EMPLOYEES.

(A) No license shall be issued unless the licensee shall file with the Clerk-Treasurer the name of the person or persons designated by him or her or it to handle the explosives or to load holes or to discharge explosives or to have charge of magazines.

(B) No person shall be so designated unless he or she is:

- (1) At least 18 years of age;
- (2) Able to understand, read, and write the English language;
- (3) Of temperate habits;
- (4) Familiar with the laws and provisions of the code governing the storage and use of explosives; and/or
- (5) Capable of performing the duties incidental to his or her work without unnecessary hazard to himself or others.

(C) A certificate of fitness shall be issued to any qualified person so designated by any licensee or applicant for a license; and it shall be unlawful to engage in any of the activities described in § 130.65 unless each person designated in accordance with this section shall have first received a certificate of fitness from the Clerk-Treasurer.

(1981 Code, § 4.1304) (Ord. 2-1992, passed 3-19-1992) Penalty, see § 130.99

§ 130.69 LABELING; PACKAGING.

(A) No explosive shall be stored anywhere in the town unless the explosive is properly labeled and packaged. All boxes or containers in which explosives containing nitroglycerine are packaged must be lined with suitable material that is impervious to liquid nitroglycerine. No explosive shall be kept or stored in the town unless it is packed in the manner prescribed by the regulations of the Interstate Commerce Commission for packing the explosives for shipment on common carriers.

(B) No unpackaged or loose dynamite, not in cartridges, shall be stored or kept in the town unless the nitroglycerine content of the dynamite is less than ten percent by weight.

(1981 Code, § 4.1305) (Ord. 2-1992, passed 3-19-1992) Penalty, see § 130.99

§ 130.70 LIMIT ON EXPLOSIVE CHARGE.

It shall be unlawful to set off or discharge more than 750 pounds of 60% dynamite, or any charge containing or releasing a disruptive force greater than 750 pounds of 60% dynamite, in any one blasting operation.

(1981 Code, § 4.1306) (Ord. 2-1992, passed 3-19-1992) Penalty, see § 130.99

§ 130.71 BLASTING.

(A) It shall be unlawful to do any blasting in the town without notifying the Clerk-Treasurer at least 24 hours in advance of the time and place at which the blasting will be done. The notice shall describe the location, the number and size of holes to be blasted, and the amount of charge to be used.

(B) Secondary shots may be fired in accordance with good practice, provided adequate protection is taken to prevent flying debris. No adobe or mud-capped shots shall be used.

(1981 Code, § 4.1307) (Ord. 2-1992, passed 3-19-1992) Penalty, see § 130.99

§ 130.72 ENFORCEMENT.

It shall be the duty of the Fire Chief, Town Marshal, and any other person designated by the Town Council to see to the enforcement of this subchapter.

(1981 Code, § 4.1309) (Ord. 2-1992, passed 3-19-1992; Ord. 7-2008, passed 12-8-2008)

§ 130.99 PENALTY.

(A) The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.

(B) Any person who violates any provision of §§ 130.01 through 130.05 shall be fined not less than \$25 nor more than \$2,500.

(C) The custodial parent or legal guardian of any child who commits a curfew ordinance violation, as defined in § 130.50, violates this chapter and shall be subject to the following fines:

(1) \$25 for a first offense;

(2) \$100 for a second offense within a one-year period; or

(3) \$200 for a third offense and every subsequent offense within a one-year period.

(Ord. 5-2001, passed 8-13-2001; Ord. 2-2008, passed 3-10-2008; Ord. 8-2008, passed 12-8-2008)

CAMBRIDGE CITY, INDIANA

CODE OF ORDINANCES

2017 S-2 Supplement contains:

Local legislation current through Ord. 2-2017, passed 7-10-2017

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CAMBRIDGE CITY, INDIANA

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Steve Sorah

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Sherry Ervin

TOWN MARSHAL

Richard Roberts

TOWN ATTORNEY

Robert L. Bever

TITLE III: ADMINISTRATION

Chapter

- 30. TOWN COUNCIL AND OFFICIALS**
- 31. FINANCE**
- 32. TOWN ORGANIZATIONS**
- 33. POLICE DEPARTMENT**
- 34. TOWN POLICIES**
- 35. ENFORCEMENT OF ORDINANCES**
- 36. PERSONNEL**

CHAPTER 30: TOWN COUNCIL AND OFFICIALS

Section

Town Legislative Body and Executive

- 30.001 Designation of town legislative body and executive
- 30.002 Terms of Members of Council
- 30.003 Election districts; decennial redistricting
- 30.004 Election of Members of Council
- 30.005 Residence requirement of Members of Council
- 30.006 Filling vacancies on Council
- 30.007 Election of President of Council
- 30.008 Clerk of legislative body
- 30.009 Powers and duties of Council
- 30.010 Quorum
- 30.011 Requirements defined; majority vote; two-thirds vote
- 30.012 Majority vote; when required
- 30.013 Two-thirds vote; when required
- 30.014 Publication and notice of ordinances prescribing penalties; exceptions
- 30.015 Record of ordinance
- 30.016 Issue and sale of bonds authorized

Town Clerk-Treasurer

- 30.030 Serves as town clerk and fiscal officer
- 30.031 Term of office
- 30.032 Election
- 30.033 Vacancy in office
- 30.034 Administration of oaths; depositions; acknowledgments
- 30.035 Powers and duties
- 30.036 Deputies and employees

Town Marshal and Deputy Marshals

- 30.050 Appointment; compensation
- 30.051 Removal from office; discipline; procedure
- 30.052 Powers and duties
- 30.053 Deputy Marshals

Cambridge City - Administration***Superintendent of Public Works***

- 30.065 Appointment
- 30.066 Duties

Building Commissioner

- 30.080 Appointment
- 30.081 Duties
- 30.082 Stop order
- 30.083 Entry powers

Building Code Inspector

- 30.095 Appointment
- 30.096 Duties

Town Attorney

- 30.125 Appointment
- 30.126 Suits and actions
- 30.127 Judgments
- 30.128 Advice
- 30.129 Special assessments
- 30.130 Ordinances and documents

TOWN LEGISLATIVE BODY AND EXECUTIVE**§ 30.001 DESIGNATION OF TOWN LEGISLATIVE BODY AND EXECUTIVE.**

The elected Town Council is the town legislative body. The President of the Town Council selected under § 30.007 is the town executive.
(1981 Code, § 2.101)

§ 30.002 TERMS OF MEMBERS OF COUNCIL.

The term of office of a member of the legislative body is four years, beginning at 12:00 p.m. on January 1 after his or her election and continuing until his or her successor is elected and qualified.
(1981 Code, § 2.102)

§ 30.003 ELECTION DISTRICTS; DECENNIAL REDISTRICTING.

(A) For the purpose of conducting elections for town officers, the town shall be divided into five wards, all of which are located within one precinct, the designation and boundaries of which shall be as follows:

(1) *Ward One.* All that part of the town lying east of the centerline beginning at the corporate limits of North Lincoln Drive, south to North Second Street, east to Gay Street, south to Church Street, east to Meredith Street, then south to the corporate limits;

(2) *Ward Two.* All that part of the town lying between the western boundary of Ward One, and the centerline beginning at the corporate limits where the Whitewater River intersects Delaware Street, south to the Whitewater River's intersection with Chestnut Street, south to South Second Street, west to Boyd Road, then south to the corporate limits;

(3) *Ward Three.* All that part of the town lying between the western boundary of Ward Two, and the centerline beginning at the corporate limits of North Green Street, south to the corporate limits;

(4) *Ward Four.* All that part of the town lying between the western boundary of Ward Three, and the centerline beginning at the corporate limits of Mulberry Street, south to Main Street, east to Jones Street, then south to the corporate limits; and

(5) *Ward Five.* All that part of the town lying between the western boundary of Ward Four and western corporate limits.

(B) The town shall redistrict in 1982 and every ten years thereafter. The redistricting may not be held after January 1 in a year in which an election of town officers is to be held.

(C) The districts established under this section must:

(1) Be composed of contiguous territory;

(2) Be reasonably compact; and

(3) Contain, as nearly as possible, equal population.

(Ord. 3-2002, passed 11-5-2002)

§ 30.004 ELECTION OF MEMBERS OF COUNCIL.

(A) The legislative body shall have one member for each district established under § 30.003. The members of the Council shall be elected at large by the voters of the whole town. The member elected for each district need not be a resident of such district, but shall be required to be a resident of the town.

(B) A municipal election shall be held in the town on the first Tuesday after the first Monday in November in the year 1979 to elect Council Members and a Clerk-Treasurer who shall take office at 12:00 p.m. on the first day of January, 1980, for the following terms:

- (1) Council Member Ward One - two years;
- (2) Council Member Ward Two - two years;
- (3) Council Member Ward Three - four years;
- (4) Council Member Ward Four - four years;
- (5) Council Member Ward Five - four years; and
- (6) Town Clerk-Treasurer - four years.

(C) On the first Tuesday after the first Monday in November in the year 1981, and on the same day every two years thereafter, a municipal election shall be held in the town for the election of successors to those elective officers of the town whose terms expire on December 31 in the year of the elections. The terms of all elective officers elected in 1981 and thereafter shall be four years and shall begin at 12:00 p.m. on the first day of January next following their election.

(1981 Code, § 2.104) (Ord. 3-2013, passed 4-8-2013)

§ 30.005 RESIDENCE REQUIREMENT OF MEMBERS OF COUNCIL.

A member of the legislative body forfeits his or her office if he or she ceases to be a resident of the town.

(1981 Code, § 2.105)

§ 30.006 FILLING VACANCIES ON COUNCIL.

Vacancies on the legislative body shall be filled as follows.

(A) Those vacancies concerning which the person who last held the vacated office was elected to that office as a candidate of a political party under the provisions of I.C. Title 3 shall be filled for the unexpired term by caucus as provided in I.C. 3-13-11.

(B) All vacancies in office not covered under I.C. 3-13-11 shall be filled by the legislative body at a special meeting called for that purpose. The Clerk-Treasurer of the town shall give each member of the legislative body at least five days' notice of the meeting in writing. The appointment of a Council Member must be made from the ward in which the vacancy occurred.

(1981 Code, § 2.106)

§ 30.007 ELECTION OF PRESIDENT OF COUNCIL.

The legislative body shall select one of its members to be its President for a definite term, which may not exceed his or her term of office as a member of the legislative body.
(1981 Code, § 2.107)

§ 30.008 CLERK OF LEGISLATIVE BODY.

(A) The Town Clerk-Treasurer is the clerk of the legislative body.

(B) Whenever the legislative body has an even number of members for any reason, the Clerk-Treasurer is an ex officio member for the purpose of casting the deciding vote to break a tie.
(1981 Code, § 2.108)

§ 30.009 POWERS AND DUTIES OF COUNCIL.

The legislative body may:

(A) Adopt ordinances and resolutions for the performance and functions of the town;

(B) Purchase, hold, and convey any interest in property, for the use of the town; and

(C) Adopt and use a common seal.

(1981 Code, § 2.109)

§ 30.010 QUORUM.

A majority of all the elected members of the legislative body constitutes a quorum.
(1981 Code, § 2.110)

§ 30.011 REQUIREMENTS DEFINED; MAJORITY VOTE; TWO-THIRDS VOTE.

(A) A requirement that an ordinance, resolution, or other action of the legislative body be passed by a majority vote means at least a majority vote of all the elected members.

(B) A requirement that an ordinance, resolution, or other action of the legislative body be passed by a two-thirds vote means at least a two-thirds vote of all the elected members.
(1981 Code, § 2.111)

§ 30.012 MAJORITY VOTE; WHEN REQUIRED.

A majority vote of the legislative body is required to pass an ordinance, unless a greater vote is required by statute.

(1981 Code, § 2.112)

§ 30.013 TWO-THIRDS VOTE; WHEN REQUIRED.

A two-thirds vote, with unanimous consent of the members present, is required to pass an ordinance of the legislative body on the same day or at the same meeting at which it is introduced.

(1981 Code, § 2.113)

§ 30.014 PUBLICATION AND NOTICE OF ORDINANCES PRESCRIBING PENALTIES; EXCEPTIONS.

(A) An ordinance, order, or resolution passed by the legislative body is considered adopted when it is signed by the executive. If required by statute, an adopted ordinance, order, or resolution must be promulgated or published before it takes effect.

(B) An ordinance prescribing a penalty must, before it takes effect, be published in the manner prescribed by I.C. 5-3-1, unless:

(1) It is published under I.C. 36-1-5 *et seq.*; or

(2) It declares an emergency requiring its immediate effectiveness and is posted in one public place in each ward in the town.

(1981 Code, § 2.114)

§ 30.015 RECORD OF ORDINANCE.

(A) Within a reasonable time after an ordinance of the legislative body is adopted, the Clerk-Treasurer shall record it in a book kept for that purpose. The record must include:

(1) The signature of the executive;

(2) The attestation of the Clerk-Treasurer; and

(3) The date of each recorded item.

(B) The record or a certified copy of it constitutes presumptive evidence of the adoption of the ordinance.

(1981 Code, § 2.115)

§ 30.016 ISSUE AND SALE OF BONDS AUTHORIZED.

(A) The legislative body may issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for the payment of town debts. However, bonds may not be issued to procure money to pay current expenses.

(B) Bonds issued under this section are payable in the amounts and at the times determined by the legislative body.

(C) Bonds issued under this section are subject to the provisions of I.C. 5-1 relating to the filing of a petition requesting the issuance of bonds and giving notice of the petition, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, the approval of the appropriation by the State Board of Tax Commissioners, the right of taxpayers to remonstrate against the issuance of bonds, and the sale of bonds at public sale for not less than their par value.

(1981 Code, § 2.116)

TOWN CLERK-TREASURER

§ 30.030 SERVES AS TOWN CLERK AND FISCAL OFFICER.

The Clerk-Treasurer elected as provided by law is both the town clerk and the town fiscal officer.
(1981 Code, § 2.401)

§ 30.031 TERM OF OFFICE.

The term of office of the Clerk-Treasurer is four years, beginning at 12:00 p.m. on January 1 after his or her election and continuing until his or her successor is elected and qualified.

(1981 Code, § 2.402)

§ 30.032 ELECTION.

The Clerk-Treasurer shall be elected by the voters of the whole town.

(1981 Code, § 2.403)

§ 30.033 VACANCY IN OFFICE.

A vacancy in the Office of Clerk-Treasurer shall be filled in the same manner as a vacancy on the legislative body.

(1981 Code, § 2.404)

§ 30.034 ADMINISTRATION OF OATHS; DEPOSITIONS; ACKNOWLEDGMENTS.

The Clerk-Treasurer may administer oaths, take depositions, and take acknowledgments of instruments required by statute to be acknowledged.

(1981 Code, § 2.405)

§ 30.035 POWERS AND DUTIES.

The Clerk-Treasurer shall:

(A) Receive and care for all town monies, and pay them out only on order of the town legislative body;

(B) Keep accounts showing when and from what sources he or she has received town monies and when and to whom he or she has paid out town monies;

(C) File each month with the legislative body a statement showing the receipts and disbursements of the town treasury for the preceding month and the balance remaining in each town fund;

(D) Keep his or her records open for inspection by the legislative body or a person appointed by the legislative body for that purpose;

(E) Maintain custody of the town seal and the records of the legislative body;

(F) Issue all licenses authorized by statute;

(G) Serve as clerk of the legislative body by attending its meetings and recording its proceedings; and

(H) Perform all other duties prescribed by law.

(1981 Code, § 2.406)

§ 30.036 DEPUTIES AND EMPLOYEES.

The Clerk-Treasurer may appoint the number of deputies and employees authorized by the town legislative body. The Clerk-Treasurer's deputies and employees serve at his or her pleasure. (1981 Code, § 2.407)

TOWN MARSHAL AND DEPUTY MARSHALS

§ 30.050 APPOINTMENT; COMPENSATION.

The town legislative body shall appoint a Town Marshal and fix his or her compensation. (1981 Code, § 2.501)

§ 30.051 REMOVAL FROM OFFICE; DISCIPLINE; PROCEDURE.

The Marshal serves at the pleasure of the town legislative body. However, before terminating or suspending a Marshal who has been employed by the town for more than six months after completing the minimum basic training requirements adopted by the Law Enforcement Training Board under I.C. 5-2-1-9, the legislative body must conduct the disciplinary removal and appeals procedure prescribed by I.C. 36-8-3-4 for town fire and police departments. (1981 Code, § 2.502)

§ 30.052 POWERS AND DUTIES.

(A) The Marshal is the chief police officer of the town and has the powers of other law enforcement officers in executing the orders of the legislative body and enforcing laws.

(B) The Marshal or his or her deputy:

(1) Shall serve all process directed to him or her by the legislative body;

(2) Shall arrest, without process, all persons who commit an offense in his or her view, take them before a court having jurisdiction, and detain them in custody until the cause of the arrest has been investigated;

(3) Shall suppress breaches of the peace;

(4) May, if necessary, call the power of the town to his or her aid;

(5) May execute search warrants and arrest warrants; and

(6) May pursue and jail persons who commit an offense.
(1981 Code, § 2.503)

§ 30.053 DEPUTY MARSHALS.

(A) The town legislative body may appoint, or may by ordinance authorize the Marshal to appoint, Deputy Marshals. Deputy Marshals have the powers and liabilities of the Marshal in executing the orders of the legislative body or enforcing laws.

(B) The legislative body shall fix the amount of bond, compensation, and term of service of Deputy Marshals. The Marshal may dismiss a Deputy Marshal at any time. However, a Deputy Marshal who has been employed by the town for more than six months after completing the minimum basic training requirements adopted by the Law Enforcement Training Board under I.C. 5-2-1-9 may be dismissed only if the procedure prescribed by § 30.051 is followed.
(1981 Code, § 2.504)

SUPERINTENDENT OF PUBLIC WORKS

§ 30.065 APPOINTMENT.

There is hereby created the Office of Superintendent of Public Works, who shall be appointed by the Town Council and who shall serve at the pleasure of the Council.
(1981 Code, § 2.601)

§ 30.066 DUTIES.

The Superintendent of Public Works shall have charge and custody of all physical property of the town, other than records, not assigned to some other officer or employee; he or she shall have charge of and supervision over the care, maintenance, and construction of all streets, alleys, and public ways, and the construction, operation, and maintenance of all storm water and sanitary sewers, and all street gutters and drains and the appurtenances thereto; he or she shall also have charge of and supervision over the water distribution system, parks, cemeteries, and all municipal utilities not assigned to some other officer or employee. All employees of the town assigned to the superintendent of public works shall perform their duties subject to his or her supervision. The Superintendent of Public Works shall have the care and custody of all public buildings.
(1981 Code, § 2.602)

BUILDING COMMISSIONER

§ 30.080 APPOINTMENT.

There is hereby created the Office of Building Commissioner, who shall be appointed by the Town Council, and who shall serve at the pleasure of the Council. The Council may, but is not required to, appoint the Superintendent of Public Works to also serve as the Building Commissioner. (1981 Code, § 2.603) (Ord. 7-2008, passed 12-8-2008)

§ 30.081 DUTIES.

It shall be the duty of the Building Commissioner to see to the enforcement of all ordinance provisions relating to zoning and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to ensure compliance with the town ordinances. (1981 Code, § 2.604)

§ 30.082 STOP ORDER.

The Building Commissioner shall have the power to order all work stopped on construction or alteration or repair of buildings in the town when the work is being done in violation of any provision of the zoning ordinances. Work shall not be resumed after the issuance of such an order except on the written permission of the Building Commissioner, provided, that if the stop order is an oral one, it shall be followed by a written stop order within one hour. The written stop order may be served by any police officer. (1981 Code, § 2.605)

§ 30.083 ENTRY POWERS.

The Building Commissioner shall have the power to make or cause to be made entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections, at any reasonable hour. (1981 Code, § 2.606)

BUILDING CODE INSPECTOR**§ 30.095 APPOINTMENT.**

There is hereby created the Office of Building Code Inspector, who shall be appointed by the Town Council, and who shall serve at the pleasure of the Council. The Council may, but is not required to, appoint the Superintendent of Public Works to also serve as the Building Code Inspector. (1981 Code, § 2.607) (Ord. 7-2008, passed 12-8-2008)

§ 30.096 DUTIES.

It shall be the duty of the Building Code Inspector to administer and enforce the building code of the town and to enforce the provisions of the ordinance regulating the wrecking and demolition of buildings and structures in the town. (1981 Code, § 2.608)

TOWN ATTORNEY**§ 30.125 APPOINTMENT.**

There is hereby created the Office of Town Attorney. The Attorney shall be appointed by the Town Council and shall serve at the pleasure of the Council. (1981 Code, § 2.611)

§ 30.126 SUITS AND ACTIONS.

The Attorney shall prosecute or defend any and all suits or actions at law or in equity to which the town may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the town on behalf of the town, or in the capacity of the person as an officer of the town. (1981 Code, § 2.612)

§ 30.127 JUDGMENTS.

It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the town, and of all similar interlocutory orders. (1981 Code, § 2.613)

§ 30.128 ADVICE.

The Attorney shall be the legal advisor of the town, and shall render advice on all legal questions affecting the town, whenever requested to do so by any town official. Upon request by the Town Council, he or she shall reduce any such opinion to writing.
(1981 Code, § 2.614)

§ 30.129 SPECIAL ASSESSMENTS.

It shall be the duty of the Attorney to see to the completion of all special assessment proceedings and condemnation proceedings.
(1981 Code, § 2.615)

§ 30.130 ORDINANCES AND DOCUMENTS.

It shall be the duty of the Attorney to draft or supervise the phraseology of any contract, lease, or other documents or instruments, to which the town may be a party; and upon request of the Town Council, to draft ordinances covering any subjects within the power of the town.
(1981 Code, § 2.616)

CHAPTER 31: FINANCE

Section

Funds

- 31.01 Fireworks Display Donation Fund
- 31.02 Rainy Day Fund
- 31.03 Depreciation Fund
- 31.04 Local Law Enforcement Continuing Education Fund
- 31.05 Special Vehicle Inspection Fund
- 31.06 Volunteer Fire Department Fund
- 31.07 Unsafe Building Fund

Purchasing

- 31.20 Purchasing agency designated
- 31.21 Purchasing policies
- 31.22 Purchase orders

Compensation

- 31.35 Schedule
- 31.36 Payment of compensation to officer or employee prior to vacation leave
- 31.37 Effective date

Administration

- 31.50 Disbursement of funds
- 31.51 Issue of warrants
- 31.52 Allowance of claims
- 31.53 Warrants for payment of claims
- 31.54 Delivery of records and property to successor by town officer
- 31.55 Revocation or suspension of licenses issued by town

Budgets

- 31.70 Compensation of members of Council and other town officers and employees
- 31.71 Preparation of annual budget estimates
- 31.72 Preparation and approval of ordinance fixing tax rate and making annual appropriations
- 31.73 Increase or decrease of appropriation after approval of ordinance

*FUNDS***§ 31.01 FIREWORKS DISPLAY DONATION FUND.**

(A) The Clerk-Treasurer of the Town of Cambridge City is hereby empowered to receive and deposit monetary donations which are donated for the specific purpose of purchasing fireworks to be used in a public fireworks display for the Fourth of July Independence Day celebration, the display to be the responsibility of the Cambridge City Chamber of Commerce. The donations shall be deposited in a separate fund to be established by the town, which shall be entitled Fireworks Display Donation Fund, the deposits being placed with a financial institution named by the town as a depository.

(B) The donations deposited in the Fund shall be used to purchase fireworks to be used at a public display of fireworks for the Fourth of July Independence Day celebration, the display to be conducted by and be the responsibility of the Cambridge City Chamber of Commerce. By acceptance of any fireworks purchased by funds donated for that purpose, as set forth herein, the Cambridge City Chamber of Commerce understands, acknowledges, and agrees that the Cambridge City Chamber of Commerce shall be responsible for any public display of the fireworks, and that the town shall have no further responsibility or liability related thereto, and the Cambridge City Chamber of Commerce shall comply with any and all regulations in regards to any such public display, including, but not limited to, the purchase of any insurance required therefore, and the Cambridge City Chamber of Commerce shall indemnify and hold the town harmless therefrom.

(C) The Clerk-Treasurer is directed to account for Fireworks Display Donation Fund, including the establishment, acceptance of donations, and any expenditure therefrom, so as to comply with any and all practices, rules, and standards set forth by the Indiana Department of Local Government Finance, and to confer with a representative or representatives of the Indiana Department of Local Government Finance before, during, and after the actions if necessary to ensure that compliance.
(Ord. 3-2005, passed 6-13-2005)

§ 31.02 RAINY DAY FUND.

(A) (1) The Town of Cambridge City hereby establishes a Rainy Day Fund, pursuant to I.C. 36-1-8-5.1, and the Clerk-Treasurer of the Town of Cambridge City is hereby empowered to establish a Rainy Day Fund for purposes of receiving monies authorized by Indiana law to be deposited into the Rainy Day Fund.

(2) The Clerk-Treasurer is hereby empowered to take receipt of monies ordered by the Town Council to be transferred to the Fund, pursuant to Indiana law and I.C. 36-1-8-5.

(B) (1) The Rainy Day Fund shall be used to receive funds pursuant to I.C. 36-1-8-5, which is applicable to all funds raised by a general or special tax levy on all the taxable property of the town.

(2) The town shall, whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in a fund (the fund being raised by a general or special tax levy as set forth above), order the balance of that fund be transferred as follows, unless a statute provides that it be transferred otherwise: To the General Fund or Rainy Day Fund of the town.

(3) The town, pursuant to I.C. 36-1-8-5.1, may transfer not more than ten percent of the town's total budget for that fiscal year to the Rainy Day Fund.

(4) The Rainy Day Fund is subject to the same appropriation process as other funds that receive tax money, and before making an appropriation from the Rainy Day Fund, the Town Council shall make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the Fund.

(C) (1) The intent of the Rainy Day Fund is that the funds therein shall be used by the Town of Cambridge City in the area of capital outlays, including, but not limited to, the purchase of land, buildings, improvements other than buildings, and machinery and equipment, and to provide for improvements to be made to capital equipment, including, but not limited to, existing land, buildings, improvements other than buildings, and machinery and equipment, and the costs and expenses directly related thereto. This intent is subject to future amendments by the Town Council.

(2) In order to make an appropriation from the Rainy Day Fund, the Town Council must make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the Fund.

(D) This section shall be in full force and effect from the date of its passage and publication as provided by law.

(Ord. 6-2001, passed 12-17-2001)

§ 31.03 DEPRECIATION FUND.

That on the last day of each calendar quarter, beginning 9-30-2000, there will be transferred to the Depreciation Fund a sum set forth in the most recent water rate study that is the basis for the most recent water rate ordinance adopted by the town, to be used for the purposes as are permitted by law.

(Ord. SO WW 2-2000, passed 2-14-2000; Ord. 7-2008, passed 12-8-2008)

§ 31.04 LOCAL LAW ENFORCEMENT CONTINUING EDUCATION FUND.

(A) There is hereby established a Local Law Enforcement Continuing Education Fund for the Town of Cambridge City, into which shall be deposited each fee collected by the Town Police Department based upon claims for law enforcement continuing education funds under I.C. 5-2-8-2.

(B) The Local Law Enforcement Continuing Education Fund shall be a cumulative nonreverting fund and shall be used exclusively for the continuing education and training of law enforcement officers employed by the town.

(C) The Fund shall be administered by the Town Clerk-Treasurer, and no disbursements shall be made from the Fund until appropriated in the manner required by law for appropriations for the expenditure of public money.

(D) Money in excess of \$100 that is unencumbered and remains in the Fund for at least one entire year from the date of its deposit shall, at the end of a fiscal year, be deposited by the Clerk-Treasurer in the Law Enforcement Training Fund established under I.C. 5-2-1-13(b).
(Ord. SO 5-1988, passed 5-9-1988)

§ 31.05 SPECIAL VEHICLE INSPECTION FUND.

(A) Beginning 7-1-1988, the Town Police Department shall charge a fee of \$5 for each motor vehicle inspection made by a member of the Department as required under the provisions of I.C. 9-29-4-2.

(B) There is hereby established a Special Vehicle Inspection Fund for the Town of Cambridge City into which shall be deposited all revenue from the inspection fee imposed by division (A) above, as required by I.C. 9-29-4-2.

(C) The money collected from the inspection fee established hereunder must be appropriated only for law enforcement purposes, in accordance with I.C. 9-29-4-2.

(D) This section shall become effective on 7-1-1988.
(Ord. SO 6-1988, passed 6-27-1988)

§ 31.06 VOLUNTEER FIRE DEPARTMENT FUND.

(A) The Clerk-Treasurer of the town is hereby empowered to receive and deposit money collected as donation, said money to be held, used, and expended for the following purposes: supplies, repair and maintenance, improvements, and or equipment needed for the Cambridge City Volunteer Fire Department.

(B) The Clerk-Treasurer shall deposit said monies in a separate fund which shall be entitled the "Cambridge City Volunteer Fire Department Fund", said deposit being placed with a financial institution named by the town as a depository.

(C) Said fund shall be used for the aforementioned purpose for which the funds were collected, and costs or expenses directly related thereto.

(D) The Clerk-Treasurer is also hereby empowered to disburse such funds to persons or agencies from whom services, equipment, or products are purchased, upon proper presentation of a claim before the Town Council and acceptance thereof,
(Ord. 3-2011, passed 4-11-2011)

§ 31.07 UNSAFE BUILDING FUND.

(A) Pursuant to I.C. 36-7-9-14, an enforcement authority for a town under a local Unsafe Building Code may establish within its operating budget a separate fund described as an Unsafe Building Fund, for purposes of: (1) depositing monies for any service, including, but not limited to, monies received from violations of an unsafe building code as well as local appropriations, which monies may be carried over to the following year and not revert to the General Fund; and (2) expending monies for various uses, including, but not limited to, enforcement of the Unsafe Building Code and work performed upon property deemed unsafe.

(B) The town has created an Unsafe Building Code shown within Chapter 153, and as apart of that code, pursuant to § 153.41, the town was to establish an Unsafe Building Fund; however, such fund has not to date been so established and made a part of an operating budget.

(C) Pursuant to § 153.30, the Building Commissioner serves as the "Enforcement Authority" for the Unsafe Building Code, and the Unsafe Building Fund should now be established as a separate fund within its operating budget.

(D) Pursuant to I.C. 36-7-9-14 and § 153.41, an Unsafe Building Fund is hereby established and/or reaffirmed to exist, as part of the operating budget for the Building Commissioner, and that such fund be allowed all of the rights and uses as set forth within the above state law and local code, including, but not limited to, the authority to have monies therein be carried over to the following year and not revert to the General Fund.

(Ord. 1-2013, passed 2-11-2013)

PURCHASING

§ 31.20 PURCHASING AGENCY DESIGNATED.

(A) The Cambridge City Town Council is designated as the purchasing agency for the Town of Cambridge City.

(B) The purchasing agency shall have all the powers and duties authorized under I.C. 5-22, as may be amended from time to time by law, or supplemented from time to time by ordinances adopted by the Town Council, and policies adopted by the purchasing agency.

(C) The purchasing agency shall act as purchasing agency for every agency, board, office, branch, bureau, commission, council, and department. The Clerk-Treasurer, Town Marshal, Fire Chief, and Superintendent of Public Works shall be purchasing agents of the Cambridge City purchasing agency and may designate, in writing, any employee of the Town of Cambridge City as a deputy purchasing agent.

(Ord. 98-4, passed 10-12-1998)

§ 31.21 PURCHASING POLICIES.

(A) *Purchase of supplies manufactured in the United States.* Supplies manufactured in the United States shall be specified for all town purchases and shall be purchased unless the Town Council determines that:

- (1) The supplies are not manufactured in the United States in reasonably available quantities;
- (2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- (3) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- (4) The purchase of supplies manufactured in the United States is not in the public interest.

(B) *Purchase of supplies and services produced or manufactured by the Department of Correction.*

(1) Supplies and services produced or manufactured by the Department of Correction as listed in the Department's printed catalog shall be specified for all town purchases unless the supplies and services cannot be furnished in a timely manner.

(2) Supplies and services purchased from the Department of Correction must:

- (a) Meet the specifications and needs of the Town of Cambridge City; and
- (b) Be purchased a fair market price.

(3) If these requirements are not met, the Town of Cambridge City is not required to purchase supplies from the Department of Correction.

(C) *Protection of offers; status of documents as public records.*

(1) *Protection of offers prior to opening.* The Clerk Treasurer of the Town of Cambridge City or other purchasing agents shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

(2) *Unobstructed evaluation of offers.* After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(3) *Public records status of bids.* Bids submitted in response to an invitation for bids must be made available for public inspection and copying after the time of the bid opening, unless the bid opening is delayed, as authorized in this section or any other statute or ordinance.

(4) *Register of proposals.* The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

(D) *Discussions with offerors responding to a request for proposals.* Any purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

(E) *Delay of openings of offers.* When the Town Council makes a written determination that is in the town's best interest, offers may be opened after the time stated in the solicitation. The date, time, and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

(F) *Purchasing supplies and services.*

(1) The purchasing agency shall be authorized to purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes or bids.

(2) The purchasing agency may purchase services not including supplies in whatever manner the purchaser determines to be reasonable.

(G) *Modification and termination of contracts.*

(1) *Price adjustments.* The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(a) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

(b) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(c) Price adjustments must be computed by costs attributable to the events or situations under the clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(d) Price adjustments must be computed in such other manner as the contracting parties may mutually agreed upon; or

(e) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the Town of Cambridge City of the costs attributable to the events or situations under the clauses with adjustment of profit or fee, all as computed by the Town of Cambridge City in accordance with applicable ordinances adopted by the Town of Cambridge City.

(2) *Adjustments in time of performance.* The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(3) *Unilateral rights of Town of Cambridge City.* The purchasing agent may include, in a purchase contract, provisions dealing with the unilateral right of the Town of Cambridge City, the purchasing agent, or the President of the Cambridge City Town Council, to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(4) *Quantity variations.* The purchasing agent may include, in a purchase contract, provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(H) *Publication of notices.*

(1) *Invitation for bids.* All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the *Western Wayne News* and posted at Town Hall and the local post office. The Cambridge City Clerk-Treasurer, as purchasing agent, shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten days prior to the date the bids will be opened.

(2) *Request for proposals.* All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the *Western Wayne News* and posted at Town Hall and the local post office. The Cambridge City Clerk-Treasurer, as purchasing agent, shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least ten days prior to the date the bids will be opened.

(3) *Request for specifications.* All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the *Western Wayne News* and posted at Town Hall and the local post office. The Cambridge City Clerk-Treasurer, as purchasing agent, shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least ten days prior to the date the bids will be opened.

(I) *Receiving offers.*

(1) *Opening of offers.* Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids. Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation. Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

(2) *Correction and withdrawal of bids.* An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened. A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

(3) *Cancellation of solicitation.* When the purchasing agent makes a written determination that it is in the county's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.
(Ord. 98-5, passed 10-12-1998)

§ 31.22 PURCHASE ORDERS.

(A) Purchase orders, in triplicate, on an approved purchase order form, shall be made out for every purchase of labor or material purchased for the town. One copy and a claim form shall be furnished the supplier of material or labor; one copy of the purchase order shall be filed by the department of the town making the purchase; and one copy shall be filed with the Clerk-Treasurer.

(B) All telephoned orders shall be verified by a purchase order, the number of which shall be given the supplier when the telephoned purchase is made.

(C) All purchase orders shall be prepared by the Clerk-Treasurer and shall be issued only upon the signature of the Clerk-Treasurer and the signature of the respective Committee Chairperson authorizing the purchase, or the signature of the Council President in the absence of the Committee Chairperson.
(1981 Code, § 2.901)

COMPENSATION

§ 31.35 SCHEDULE.

All officers, employees, and volunteer firefighters of the town shall be paid the compensation and allowances fixed by ordinance according to the following schedule.

(A) Council Members shall be paid quarterly, not later than March 31, June 30, September 30, and December 31 of each year.

(B) All other salaried officers and employees (except volunteer firefighters) shall be paid weekly, on the last work day of each week.

(C) All hourly employees shall be paid weekly, on the last work day of each week.

(D) All volunteer firefighters shall be paid semi-annually in accordance with the following schedule: on November 30 and May 31 of each year.
(Ord. SO 5-1991, passed 12-9-1991)

§ 31.36 PAYMENT OF COMPENSATION TO OFFICER OR EMPLOYEE PRIOR TO VACATION LEAVE.

One to three days before an officer or employee begins a vacation leave period, the officer or employee shall be paid the amount of compensation he or she will earn while on vacation leave.
(Ord. SO 5-1991, passed 12-9-1991)

§ 31.37 EFFECTIVE DATE.

This section shall be retroactive to 11-30-1991.
(Ord. SO 5-1991, passed 12-9-1991)

ADMINISTRATION

§ 31.50 DISBURSEMENT OF FUNDS.

Unless a statute provides otherwise, town monies may be disbursed only after an appropriation made by ordinance of the town legislative body and recorded in a book kept for that purpose by the legislative body. Each appropriation must be made from the fund against which the expenses arose.
(1981 Code, § 2.301)

§ 31.51 ISSUE OF WARRANTS.

(A) The town legislative body, or a board of the town, may order the issuance of warrants for payment of money by the town only at a meeting of the legislative body or board.

(B) A town officer who violates this section forfeits his or her office.
(1981 Code, § 2.302)

§ 31.52 ALLOWANCE OF CLAIMS.

(A) The town legislative body or a board of the town may allow a claim:

(1) Only at a meeting of the legislative body or board; and/or

(2) Only if the claim was filed in the manner prescribed by I.C. 5-11-10-2 at least five days before the meeting.

(B) A town officer who violates this section forfeits his or her office.
(1981 Code, § 2.303)

§ 31.53 WARRANTS FOR PAYMENT OF CLAIMS.

A warrant for payment of a claim against the town may be issued only if the claim is:

(A) Itemized and certified I.C. 5-11-10-1;

(B) Filed with the town fiscal officer; and

(C) Allowed by the town legislative body or by the board of the town having jurisdiction over allowance of the claim.
(1981 Code, § 2.304)

§ 31.54 DELIVERY OF RECORDS AND PROPERTY TO SUCCESSOR BY TOWN OFFICER.

Each town officer shall deliver town records and property in his or her custody to his or her successor in office when that successor qualifies.
(1981 Code, § 2.306)

§ 31.55 REVOCATION OR SUSPENSION OF LICENSES ISSUED BY TOWN.

The town executive may revoke or suspend any license issued by the town if the person holding the license has violated the terms and conditions of the license or of the law under which it was issued.
(1981 Code, § 2.307)

BUDGETS**§ 31.70 COMPENSATION OF MEMBERS OF COUNCIL AND OTHER TOWN OFFICERS AND EMPLOYEES.**

(A) The town legislative body shall, by special ordinance, fix the compensation of its own members, the Town Clerk-Treasurer, and the Town Marshal. The legislative body shall provide reasonable compensation for other town officers and employees.

(B) The compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the year 1980.
(1981 Code, § 2.201)

§ 31.71 PREPARATION OF ANNUAL BUDGET ESTIMATES.

Before the publication of notice of budget estimates required by I.C. 6-1.1-17-3, the town shall formulate a budget estimate for the ensuing budget year in the following manner, unless provided otherwise by ordinance:

(A) Each department head shall prepare for his or her department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure he or she anticipates;

(B) The town fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments;

(C) The town executive shall meet with the department heads and the fiscal officer to review and revise their various estimates; and

(D) After the executive review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.
(1981 Code, § 2.202)

§ 31.72 PREPARATION AND APPROVAL OF ORDINANCE FIXING TAX RATE AND MAKING ANNUAL APPROPRIATIONS.

The town fiscal officer shall present the report of budget estimates to the town legislative body under I.C. 6-1.1-17 *et seq.* After reviewing the report, the legislative body shall prepare an ordinance fixing the rate of taxation for the ensuing budget year and an ordinance making appropriations for the estimated

department budgets and other town purposes during the ensuing budget year. The legislative body, in the appropriation ordinance, may change any estimated item from the figures submitted in the report of the fiscal officer. The legislative body shall promptly act on the appropriation ordinance.
(1981 Code, § 2.203)

§ 31.73 INCREASE OR DECREASE OF APPROPRIATION AFTER APPROVAL OF ORDINANCE.

After the passage of the appropriation ordinance, the town legislative body may make further or additional appropriations by ordinance, unless their result is to increase the tax levy set under I.C. 6-1.1-17 *et seq.* The legislative body may, by ordinance, decrease any appropriation set by ordinance.
(1981 Code, § 2.204)

CHAPTER 32: TOWN ORGANIZATIONS

Section

Advisory Plan Commission

- 32.01 Definitions
- 32.02 Establishment
- 32.03 Membership
- 32.04 Compensation
- 32.05 Election of officers
- 32.06 Powers and duties
- 32.07 Secretary
- 32.08 Meetings and records
- 32.09 Rules of procedure
- 32.10 Effective date

Board of Zoning Appeals

- 32.25 Definitions
- 32.26 Establishment
- 32.27 Membership
- 32.28 Compensation
- 32.29 Election of officers
- 32.30 Secretary
- 32.31 Records
- 32.32 Rules of procedure
- 32.33 Effective date
- 32.34 Powers and duties
- 32.35 Public hearings
- 32.36 Commitments
- 32.37 Stay of proceedings and work
- 32.38 Review by certiorari
- 32.39 Fees

Board of Finance

- 32.45 Establishment
- 32.46 Secretary
- 32.47 Duties and powers

Cambridge City - Administration

- 32.48 Compensation
- 32.49 Organization and meetings
- 32.50 Designation of depositories

Economic Development Commission

- 32.65 Establishment
- 32.66 Composition and appointment
- 32.67 Organization
- 32.68 Rules and regulations
- 32.69 Removal from office
- 32.70 Conflicts of interest
- 32.71 Duties

ADVISORY PLAN COMMISSION**§ 32.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION. The Advisory Plan Commission for the Town of Cambridge City, Indiana.

PLAN COMMISSION. The Advisory Plan Commission for the Town of Cambridge City, Indiana. (Ord. 1-2001, passed 2-20-2001)

§ 32.02 ESTABLISHMENT.

There is hereby established an Advisory Plan Commission for the Town of Cambridge City under the authority as provided for by the Indiana General Assembly, I.C. 36-7-4-200 *et seq.*, and amendments thereto.

(Ord. 1-2001, passed 2-20-2001)

§ 32.03 MEMBERSHIP.

(A) The membership of the Advisory Plan Commission shall be composed of nine members. Pursuant to statute, the three members appointed by the municipal legislative body must be elected or appointed municipal officials or employees in the municipal government, not necessarily members of the municipal legislative body. The municipal executive shall appoint four citizen members, of whom no

more than two may be of the same political party. The executive of the county shall appoint two citizen members who must reside in the town's unincorporated territorial jurisdictional area and not be of the same political party.

(B) The term of a municipal legislative body appointment is coextensive with the member's term of his or her term on the Town Council unless the municipal legislative body appoints, at its first regular meeting in any year, another to serve as its representative.

(C) The term of each citizen member shall be for four years, with the term expiring on the first Monday in January after the fourth year of the member's appointment.
(Ord. 1-2001, passed 2-20-2001)

§ 32.04 COMPENSATION.

The members of the Plan Commission shall receive no salary or compensation for service on the Plan Commission.
(Ord. 1-2001, passed 2-20-2001)

§ 32.05 ELECTION OF OFFICERS.

At its first regular meeting in each year, the Plan Commission shall elect from its membership a President and Vice-President. The Vice-President shall have the authority to act as President of the Commission during the absence or disability of the President.
(Ord. 1-2001, passed 2-20-2001)

§ 32.06 POWERS AND DUTIES.

The Plan Commission shall perform the duties and have the powers as may be prescribed by statute.
(Ord. 1-2001, passed 2-20-2001)

§ 32.07 SECRETARY.

The Plan Commission may appoint and fix the duties of a Secretary, who is not required to be a member of the Commission.
(Ord. 1-2001, passed 2-20-2001)

§ 32.08 MEETINGS AND RECORDS.

(A) The Plan commission shall fix the time for holding regular meetings. However, the Commission shall meet at least once in the months of January, April, July, and October.

(B) Special meetings of the Plan Commission may be called by the President or by two members of the Commission upon written request to the secretary. The Secretary shall send to all members, at least three days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if:

- (1) The date, time, and place of a special meeting are fixed in a regular meeting; and
- (2) All members of the Commission are present at that regular meeting.

(C) The Commission shall keep minutes of its meetings. The minutes of the Commission meetings and all records shall be filed in the office of the Commission and are public record.
(Ord. 1-2001, passed 2-20-2001)

§ 32.09 RULES OF PROCEDURE.

The Plan Commission shall adopt rules, which may not conflict with the zoning ordinance, that are necessary to effectuate the provisions of the zoning ordinance.
(Ord. 1-2001, passed 2-20-2001)

§ 32.10 EFFECTIVE DATE.

This subchapter shall be in full force and effect from the date of its passage and publication as provided by law.
(Ord. 1-2001, passed 2-20-2001)

BOARD OF ZONING APPEALS

§ 32.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The Board of Zoning Appeals for the Town of Cambridge City, Indiana.

BOARD OF ZONING APPEALS. The Board of Zoning Appeals for the Town of Cambridge City, Indiana.

PLAN COMMISSION. The Advisory Plan Commission for the Town of Cambridge City, Indiana.
(Ord. 2-2001, passed 2-20-2001)

§ 32.26 ESTABLISHMENT.

There is hereby established a Board of Zoning Appeals for the Town of Cambridge City under the authority as provided by the Indiana General Assembly, I.C. 36-7-4-900 *et seq.*, and amendments thereto.

(Ord. 2-2001, passed 2-20-2001)

§ 32.27 MEMBERSHIP.

(A) The membership of the Board of Zoning Appeals is composed of five members. Three members are appointed by the municipal executive, of whom one must be a member of the Plan Commission and two must not be members of the Plan Commission. One member is appointed by the Town Council, whom must not be a member of the Plan Commission. One member is appointed by the Plan Commission from the Plan Commission's membership. The Plan Commission's appointment must be one of the citizen members from the unincorporated territorial jurisdictional area.

(B) The term of each Board of Zoning Appeals member appointed from the Plan Commission shall run concurrent and expire with the member's Plan Commission term. Terms of each citizen member shall be for four years with the term expiring on the first Monday in January after the fourth year of the member's appointment.

(Ord. 2-2001, passed 2-20-2001)

§ 32.28 COMPENSATION.

The members of the Board shall receive no salary or compensation for service on the Board of Zoning Appeals.

(Ord. 2-2001, passed 2-20-2001)

§ 32.29 ELECTION OF OFFICERS.

At its first meeting of each year, the Board of Zoning Appeals shall elect a Chairperson and Vice-Chairperson from its membership. The Vice-Chairperson may act as Chairperson during the absence or disability of the Chairperson.

(Ord. 2-2001, passed 2-20-2001)

§ 32.30 SECRETARY.

The Board of Zoning Appeals may appoint and fix the duties of the Secretary.

(Ord. 2-2001, passed 2-20-2001)

§ 32.31 RECORDS.

The Board of Zoning Appeals shall keep minutes of its proceedings and record the vote on all actions taken. All minutes and records shall be filed in the office of the Board and are public record. The Board shall in all cases heard by it make written findings of fact.
(Ord. 2-2001, passed 2-20-2001)

§ 32.32 RULES OF PROCEDURE.

The Board of Zoning Appeals shall adopt rules, which may not conflict with the zoning ordinance, that are necessary to effectuate the provisions of the zoning ordinance.
(Ord. 2-2001, passed 2-20-2001)

§ 32.33 EFFECTIVE DATE.

This subchapter shall be in full force and effect from the date of its passage and publication as provided by law.
(Ord. 2-2001, passed 2-20-2001)

§ 32.34 POWERS AND DUTIES.

The Board shall have the following powers and duties, which shall be applicable and be considered as part of the Zoning Codes hereinafter set forth in Title XV of this Town Code. It shall be the Board's duty to:

(A) Hear and determine appeals from and review any order, requirement, decision, or determination made by an Administrative official, hearing officer, Staff member or Administrative Board designated by ordinance (other than the Plan Commission), made in relation to the enforcement of the Zoning Ordinance or Subdivision Ordinance.

(1) An appeal filed with the Advisory Board of Zoning Appeals must specify the grounds of the appeal and must be filed within 20 days of the date of the decision. The Administrative official, Hearing Officer, Staff Member or Administrative Board from whom the appeal is taken shall, on the request of the Advisory Board of Zoning Appeals, transmit to it all documents, plans and papers constituting the record of the action from which an appeal was taken.

(2) Certified copies of the documents, plans, and papers constituting the record may be transmitted for the purpose above.

(3) Upon appeal, the board may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose the Board has all the powers of the official, officer, Board or body from which the appeal is taken.

(B) Hear and approve or deny all special exceptions, contingent uses and conditional uses from the terms of the Zoning Ordinance, The Board may impose reasonable conditions as part or its approval.

(C) Hear and approve or deny variances of use from the terms of the Zoning Ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may he approved only upon a determination in writing that:

- (1) The approval will not he injurious to the public health, safety, morals, and general welfare of the community;
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (3) The need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the Comprehensive Plan.

(D) Hear and approve or deny variances from the development standards of the Zoning Ordinance. A variance may be approved by the Board only upon a determination in writing that:

- (1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) The strict application of the terms of the Zoning Ordinance will result in unnecessary hardship in the use of the property. In making its determination as to whether there is unnecessary hardship, the Advisory Board of Zoning Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district and which do not result from the actions of the owner.
 - (b) That granting the variance requested will not confer on the owner any special privilege that is denied by this subchapter to other lands, structures, or building in the same zoning district.
(Ord. 1-2017, passed 7-10-2017)

§ 32.35 PUBLIC HEARINGS.

(A) The Advisory Board of Zoning Appeals shall fix a reasonable time for the hearing of administrative appeals, exceptions, uses and variances.

(B) Public notice in accordance with I.C. 5-3-1-2 and I.C. 5-3-1-4 due notice to interested parties shall be given at least ten days before the date set for the hearing.

(C) The party taking the appeal, or applying for the exception, use, or variance, may be required to assume the cost of public notice and due notice to interested parties. At the hearing, each party may appear in person, by agent, or by attorney.

(D) The Board shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

(E) The Staff may appear before the Board at the hearing and present evidence in support of or in opposition to the granting of a variance or the determination of any other matter.

(F) Other persons may appear and present relevant evidence.

(G) A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the board. Not less than five days before the hearing, however, the staff may file with the board a written statement setting forth any facts or opinions relating to the matter.

(H) The Board may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than four days before the hearing, the Board may also require the petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property involved.

(I) The Board shall make a decision on any matter it is required to hear either at the meeting at which that matter is first presented; or, at the conclusion of the hearing on that matter, if it is continued; within five days after making any decision, the Board shall file in the office of the Board a copy of its decision.

(Ord. 1-2017, passed 7-10-2017)

§ 32.36 COMMITMENTS.

(A) In the case of a petition for a special exception, contingent use, conditional use or variance from the terms of the Zoning Ordinance, the Advisory Board of Zoning Appeals may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel.

(B) The Board may adopt rules governing the creation, form, recording, modification, enforcement, and termination of commitments. The Board may adopt rules designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

(C) Commitments shall be recorded in the office of the County Recorder and take effect upon the granting of the exception, use, or variance. Unless modified or terminated by the Board, a commitment is binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice is provided by rule.

(D) By permitting or requiring commitments, the Board does not obligate itself to approve or deny any request.

(E) Conditions imposed on the granting of an exception, use or variance are not subject to the rules applicable to commitments.

(F) This section does not affect the validity of any covenant easement equitable servitude, or other land use restriction created in accordance with the law.
(Ord. 1-2017, passed 7-10-2017)

§ 32.37 STAY OF PROCEEDINGS AND WORK.

When an appeal from the decision of an official or board has been filed with the Advisory Board of Zoning Appeals, proceedings and work on the premises affected shall be stayed unless the official or board certifies to the Board that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by a restraining order. After the owner of, or person in charge of the work on, the premises affected has received notice that an appeal has been filed with the Board, the official charged with the enforcement of this subchapter, may order the work stayed and call on the police power of the town to give effect to that order.

(Ord. 1-2017, passed 7-10-2017)

§ 32.38 REVIEW BY CERTIORARI.

(A) Each decision of the Advisory Board of Zoning Appeals is subject to review by certiorari. Each person aggrieved by a decision of the Board may present, to the Wayne County Circuit or Superior, a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality.

(B) The person shall present the petition to the court within 30 days after the date of that decision of the Board.(Ord. 1-2017, passed 7-10-2017)

§ 32.39 FEES.

The fee charged to file a petition requesting an appeal, variance or special exception shall be established by ordinance of the Town Council.
(Ord. 1-2017, passed 7-10-2017)

BOARD OF FINANCE

§ 32.45 ESTABLISHMENT.

The Town Council shall constitute the Board of Finance of the town, as provided by statute.
(1981 Code, § 2.715)

§ 32.46 SECRETARY.

The Clerk-Treasurer of the town shall be the Secretary of the Board of Finance of the town, as provided by statute.
(1981 Code, § 2.716)

§ 32.47 DUTIES AND POWERS.

The Board of Finance shall have supervision of all public funds of the town and of the safekeeping and deposit thereof, and the Board shall have and perform any other duties and have any powers as may be prescribed by statute.
(1981 Code, § 2.717)

§ 32.48 COMPENSATION.

The members of the Board of Finance shall serve without compensation other than the salaries allowed by law for their services as officers of the town.
(1981 Code, § 2.718)

§ 32.49 ORGANIZATION AND MEETINGS.

The Board of Finance shall, annually after the first Monday and on or before the third Monday of January, meet and organize by the election of a President from its members, who shall hold office until his or her successor is elected and qualified. The Board shall meet whenever necessary to discharge its duties prescribed by law.

(1981 Code, § 2.719)

§ 32.50 DESIGNATION OF DEPOSITORIES.

After the first Monday and on or before the third Monday in February in each odd-numbered year, the Board of Finance shall meet and consider all proposals and designate depositories for each ensuing two-year period, as provided by statute.

(1981 Code, § 2.720)

ECONOMIC DEVELOPMENT COMMISSION

§ 32.65 ESTABLISHMENT.

There is hereby created the Department of Development of Cambridge City, Indiana, which shall be under the control of a commission to be known as the Cambridge City Economic Development Commission.

(1981 Code, § 2.721) (Ord. SO 1-1975, passed 9-8-1975)

§ 32.66 COMPOSITION AND APPOINTMENT.

(A) The Commission shall consist of three Commissioners who shall be appointed by the President of the Town Council as follows: one of the members so appointed shall be selected by the President of the Town Council; one shall be nominated by the County Council of the county in which the town is located; and one shall be nominated by the Town Council.

(B) The Commissioners shall take office upon their appointment and their initial terms shall run the following number of years from February 1 following the original appointment:

- (1) The Commissioner selected by the President of the Town Council, three years;
- (2) The Commissioner nominated by the Town Council, two years; and
- (3) The Commissioner nominated by the County Council, one year.

(C) At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected and nominated before the expiration of the term in the same manner as the original appointee, and each succeeding member shall serve for a term of four years.

(D) In the event that any governing body shall fail to make a nomination within the time specified herein, the President of the Town Council may select and appoint a person without a nomination.

(E) In the event any person appointed as Commissioner shall fail to qualify, as hereinafter provided, within ten days after the mailing to him or her of his or her appointment, or if any Commissioner after qualifying, shall die, resign, or vacate the office, or be removed as hereinafter provided, a new Commissioner shall be selected or nominated and appointed to fill the vacancy in the same manner as the Commissioner in respect to whom the vacancy occurs, and the Commissioners so appointed shall serve for the remainder of the vacated term.

(F) Commissioners shall hold over after the expiration of their terms until their respective successors have been duly appointed and have qualified.

(G) The Commissioners shall receive no salaries but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.
(1981 Code, § 2.722) (Ord. SO 1-1975, passed 9-8-1975)

§ 32.67 ORGANIZATION.

(A) Each Commissioner, before entering upon his or her duties, shall take and subscribe an oath of office in the usual form, to be indorsed upon the certificate of his or her appointment, which shall be promptly filed with the Town Clerk-Treasurer.

(B) The Commission originally appointed shall meet within 30 days after its appointment at a time and place designated by the President of the Town Council for the purpose of organization and shall meet to reorganize in February of each succeeding year.

(C) The Commission shall elect one of its members as President, one as Vice-President, and one as Secretary, each of which officers shall serve from the date of his or her election until January 31 next following his or her election and until his or her successor is elected and qualified.
(1981 Code, § 2.723) (Ord. SO 1-1975, passed 9-8-1975)

§ 32.68 RULES AND REGULATIONS.

The Commission shall be authorized to adopt the bylaws and regulations as it may deem necessary. Regular or special meetings shall be held at the time as it may determine and upon the notice as it may fix, either by resolution or in accordance with the provisions of the bylaws, rules and regulations

adopted. A majority of the Commission shall constitute a quorum. The concurrence of a majority of the Commission at a meeting or a unanimous consent signed by each Commissioner shall be sufficient to authorize any action.

(1981 Code, § 2.724) (Ord. SO 1-1975, passed 9-8-1975)

§ 32.69 REMOVAL FROM OFFICE.

Any Commissioner may be removed from office for neglect of duty, incompetency, disability to perform his or her duties, or any other good cause, by the executive officer or governing body which selected or nominated him or her. A Commissioner so removed may obtain judicial review of the removal by filing a complaint in a circuit or superior court in Wayne County, but the burden of proof shall be upon the executive officer or governing body which removed the Commissioner. The cause shall be placed on the advanced calendar and be tried as other civil causes are tried by the court without the intervention of a jury. An appeal from the judgment may be taken as in civil actions.

(1981 Code, § 2.725) (Ord. SO 1-1975, passed 9-8-1975)

§ 32.70 CONFLICTS OF INTEREST.

A Commissioner shall disclose any pecuniary interest in any employment, financing agreement, or other contract made under the provisions of this subchapter before any action by the Commission on it, and shall not vote on any such matter. Any property required for the purposes of this subchapter in which a Commissioner has a pecuniary interest may be acquired but only by gift or condemnation.

(1981 Code, § 2.726) (Ord. SO 1-1975, passed 9-8-1975)

§ 32.71 DUTIES.

It shall be the duty of the Commission to investigate, study, and survey the need for additional job opportunities, industrial diversification, and pollution control facilities in the municipality and to recommend action to improve or promote job opportunities, industrial diversification, and availability of pollution control facilities in the municipality.

(1981 Code, § 2.727) (Ord. SO 1-1975, passed 9-8-1975)

CHAPTER 33: POLICE DEPARTMENT

Section

Regular Police

- 33.01 Department created
- 33.02 Appointments
- 33.03 Supervision
- 33.04 Duties of Marshal
- 33.05 Duties
- 33.06 Conduct of members
- 33.07 Rules and regulations
- 33.08 Termination or suspension

Reserve Police

- 33.20 Creation; appointments; term; qualifications
- 33.21 Oath; commissions; powers; duties
- 33.22 Probationary period
- 33.23 Training and bylaws
- 33.24 Compensation
- 33.25 Uniforms
- 33.26 Waiver of liability

Attendance as Witness in Court

- 33.40 Attendance of police officers as witnesses in court
- 33.41 Witness fees
- 33.42 Compensation for appearance as witness
- 33.43 Travel allowance authorized

REGULAR POLICE**§ 33.01 DEPARTMENT CREATED.**

There is hereby created a Police Department for the town which shall consist of the Town Marshal, who shall be ex officio Chief of Police, and any other members, who shall be Deputy Marshals, as may be provided for by the Town Council.

(1981 Code, § 4.101)

§ 33.02 APPOINTMENTS.

The Town Marshal and all Deputy Marshals shall be appointed by the Town Council.

(1981 Code, § 4.102)

§ 33.03 SUPERVISION.

The Town Marshal shall be the head of the Department and have supervision over all officers and members thereof.

(1981 Code, § 4.103) (Ord. 7-2008, passed 12-8-2008)

§ 33.04 DUTIES OF MARSHAL.

The Town Marshal shall keep the records and make the reports concerning the activities of his or her Department as may be required by statute or by the Town Council. The Marshal shall be responsible for the performance by the Police Department of its functions, and all persons who are members of the Police Department shall serve subject to the orders of the Town Marshal.

(1981 Code, § 4.104) (Ord. 7-2008, passed 12-8-2008)

§ 33.05 DUTIES.

It shall be the duty of the members of the Police Department to see to the enforcement of all of the ordinances of the town and all statutes applicable therein; and to preserve order and prevent infractions of the law and arrest violators thereof.

(1981 Code, § 4.105)

§ 33.06 CONDUCT OF MEMBERS.

It shall be the duty of every member of the Police Department to conduct himself or herself in a proper and law abiding manner at all times, and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his or her superior.
(1981 Code, § 4.106)

§ 33.07 RULES AND REGULATIONS.

The Town Marshal may make or prescribe the rules and regulations as he or she shall deem advisable. The rules and regulations, when approved by the Town Council, shall be binding upon all members of the Police Department.
(1981 Code, § 4.107) (Ord. 7-2008, passed 12-8-2008)

§ 33.08 TERMINATION OR SUSPENSION.

Before terminating or suspending any Marshal or Deputy Marshal who has satisfied the basic training requirements of the Law Enforcement Training Board, and who has been employed by the town for more than six months after completing the basic training requirements, the Town Council shall follow the disciplinary removal and appeals procedure prescribed by statute.
(1981 Code, § 4.108)

RESERVE POLICE

§ 33.20 CREATION; APPOINTMENTS; TERM; QUALIFICATIONS.

(A) There is hereby created a Reserve Police Unit in the town, the membership of which shall consist of not more than 20 members. The Reserve Police Unit shall be made up of persons, who at the time of their appointment shall be residents of the town. Each member shall be in good physical condition and of good character, and not less than 21 years of age.

(B) Appointments to the Reserve Police Unit shall be made by the Town Council upon recommendation of the Town Marshal, for an indefinite term, provided that any member may be discharged at any time (with or without cause, and without a hearing) by the Town Council upon recommendation of the Town Marshal.

(C) Regular full-time members of the Police Department shall not be eligible for membership in the Reserve Police Unit.
(1981 Code, § 4.109) (Ord. SO 1-1972, passed 5-8-1972; Ord. 7-1982, passed 3-8-1982; Ord. 7-2008, passed 12-8-2008)

§ 33.21 OATH; COMMISSIONS; POWERS; DUTIES.

The Reserve Police Unit shall function under the immediate direction of the Town Marshal or under some regular police officer delegated by him or her. Before entering upon his or her duties, each member shall take and subscribe to the same oath or affirmation as provided by the statutes to be taken and subscribed by all municipal officers. After subscribing his or her oath of office, each member of the Reserve Police Unit shall be issued an official commission card signed by the President of the Town Council. The card shall be retained in the personal possession of the member at all times. Except during any period of probation, members of the Reserve Police Unit shall have all the powers and authority and shall be subject to all the duties of members of the regularly constituted Police Department and shall be subject to the rules and regulations governing the Police Department, provided, however, that membership in the Reserve Police Unit shall not constitute membership in the regularly constituted Police Department nor shall any member of the Reserve Police Unit be entitled to any right or privilege of compensation, pension, or any other similar right or privilege of members of the regularly constituted Police Department, nor to any other prerequisite or emolument attaching to membership in the regularly constituted Police Department.

(1981 Code, § 4.110) (Ord. SO 1-1972, passed 5-8-1972; Ord. 7-1982, passed 3-8-1982; Ord. 7-2008, passed 12-8-2008)

§ 33.22 PROBATIONARY PERIOD.

(A) Each new member of the Reserve Police Unit shall serve on probation a minimum of six months and a maximum of 12 months following the date of his or her appointment.

(B) During the period of probation, he or she shall be a member on probation and shall have only the power, authority, and duties as are assigned to him or her, from time to time, by the Town Marshal.

(C) Upon completion of six months, and at any time before expiration of 12 months of probation, the Town Marshal may transfer any such member from probationary to active status.

(D) If the Town Marshal does not transfer any such member from probationary to active status before the expiration of 12 months probation, the member shall be dropped automatically from membership in the Reserve Police Unit.

(1981 Code, § 4.111) (Ord. SO 1-1972, passed 5-8-1972; Ord. 7-1982, passed 3-8-1982; Ord. 7-2008, passed 12-8-2008)

§ 33.23 TRAINING AND BYLAWS.

The Town Marshal shall determine the program for training members of the Reserve Police Unit in police work. The Reserve Police Unit may adopt its own bylaws and rules or regulations, but the bylaws, rules, or regulations, and any and all amendments thereof, shall at all times be subject to

approval by the Town Council, and shall not conflict with any provisions of this subchapter, and shall be subordinate at all times to the ordinances of the town and to rules and regulations of the Police Department and to the orders of the Town Marshal.

(1981 Code, § 4.112) (Ord. SO 1-1972, passed 5-8-1972; Ord. 7-1982, passed 3-8-1982; Ord. 7-2008, passed 12-8-2008)

§ 33.24 COMPENSATION.

No member of the Reserve Police Unit shall receive any compensation from the town for his or her services as a member of the Reserve Police Unit, excepting as may be provided from time to time by ordinance of the town.

(1981 Code, § 4.113) (Ord. SO 1-1972, passed 5-8-1972; Ord. 7-1982, passed 3-8-1982)

§ 33.25 UNIFORMS.

The members of the Reserve Police Unit shall furnish their own uniforms and other necessary equipment, without reimbursement from the town, excepting only to the extent, if any, specifically provided for in the annual appropriation ordinance of the town. Members of the Reserve Police Unit shall wear full uniforms at all times while on duty, and the uniforms shall at all times be kept clean and neat.

(1981 Code, § 4.114) (Ord. SO 1-1972, passed 5-8-1972; Ord. 7-1982, passed 3-8-1982)

§ 33.26 WAIVER OF LIABILITY.

Each member of the Reserve Police Unit shall promptly after being appointed as a member of the unit, prior to taking his or her oath of office, execute and deliver to the Town Clerk Treasurer an instrument in form to be provided by the Town Attorney, releasing the town from all liability for any injury or death of the member in the line of duty as a member of the unit, excepting only the liability, if any, as shall be attributed to gross negligence on the part of the town.

(1981 Code, § 4.115) (Ord. SO 1-1972, passed 5-8-1972; Ord. 7-1982, passed 3-8-1982)

ATTENDANCE AS WITNESS IN COURT

§ 33.40 ATTENDANCE OF POLICE OFFICERS AS WITNESSES IN COURT.

Every member of the Police Department shall appear as witness whenever necessary in a prosecution before a court of competent jurisdiction for a violation of an ordinance or of any state or federal law.

(1981 Code, § 4.116) (Ord. 10-1982, passed 5-10-1982)

§ 33.41 WITNESS FEES.

No member shall retain any witness fee for service as witness in any action or suit to which the town is a party. Any fees paid for the services shall be turned over to the Town Marshal, who shall deposit the same with the Clerk-Treasurer.

(1981 Code, § 4.117) (Ord. 10-1982, passed 5-10-1982; Ord. 7-2008, passed 12-8-2008)

§ 33.42 COMPENSATION FOR APPEARANCE AS WITNESS.

Whenever a member of the Police Department is required to appear as a witness as aforesaid during his or her off-duty hours in any court outside of town, he or she shall be compensated for the service at the federal minimum hourly wage for up to four hours for each such appearance, provided, that the Town Marshal shall be notified of the required appearance prior thereto and shall approve the payment of the compensation.

(1981 Code, § 4.118) (Ord. 10-1982, passed 5-10-1982; Ord. 7-2008, passed 12-8-2008)

§ 33.43 TRAVEL ALLOWANCE AUTHORIZED.

A member of the Police Department shall use town-owned automobiles whenever possible for transportation to and from the court in which his or her attendance as a witness is required. However, if it is not possible to use a town-owned automobile and the member is required to use his or her own automobile for this purpose, he or she shall be compensated for the use at the per mileage rate currently in effect for the town, provided that use is authorized by the Town Marshal prior to the use.

(1981 Code, § 4.119) (Ord. 10-1982, passed 5-10-1982; Ord. 7-2008, passed 12-8-2008)

CHAPTER 34: TOWN POLICIES

Section

Mileage Allowance for Private Automobiles

- 34.01 Mileage allowance
- 34.02 Rate
- 34.03 Records
- 34.04 Volunteers
- 34.05 Tolls, parking costs, meals, and lodging

Vehicle Accident Reports

- 34.20 Accident reports available to persons suffering injury or damage
- 34.21 Who may obtain information
- 34.22 Fee for furnishing copy of report; deposit and use of fees
- 34.23 Exception where criminal proceedings may be involved

Membership Dues to Organizations and Expenses of Attendance at Meetings

- 34.35 Membership dues to organizations
- 34.36 Expenses of attendance at meetings

Equal Employment Policy and Affirmative Action Commitment

- 34.50 Equal employment policy of the town
- 34.51 Public contracts to contain nondiscrimination clause
- 34.52 Affirmative action commitment

Access to Public Records

- 34.65 Right of inspection of public records
- 34.66 Exceptions
- 34.67 Information concerning arrests and investigations
- 34.68 Records containing disclosable and nondisclosable information
- 34.69 Requests for disclosure; procedure

National Incident Management System

34.80 Adoption

MILEAGE ALLOWANCE FOR PRIVATE AUTOMOBILES**§ 34.01 MILEAGE ALLOWANCE.**

All officers and employees who are authorized to use a private automobile for town business shall be reimbursed for the mileage actually used on town business in accordance with this subchapter. (Ord. 4-2006, passed 9-11-2006)

§ 34.02 RATE.

The town shall pay \$.35 per mile for mileage actually traveled for town business. Travel to and from an officer or employee's residence and the employee's principal place of employment with the town shall not be included. Any future modifications to the mileage allowance may be approved and adopted by the Town Council upon majority vote of the Town Council at any regularly scheduled public meeting, and any such approval and adoption shall be properly reflected in the minutes thereof. (Ord. 4-2006, passed 9-11-2006)

§ 34.03 RECORDS.

No employee or officer shall be reimbursed under the terms of this subchapter unless the employee or officer presents a written record, with entries made at the time of each trip, indicating the date, the purpose of the travel, and the destination. The actual mileage traveled shall also be indicated by showing the mileage on the odometer of the vehicle at the start of trip and the mileage shown immediately on the completion of the trip. The records shall be kept on forms to be furnished by the Clerk-Treasurer. (Ord. 4-2006, passed 9-11-2006)

§ 34.04 VOLUNTEERS.

When any town ordinance or action by the Town Council permits any volunteer or volunteers to be reimbursed for travel expenses, each volunteer shall be reimbursed in accordance with this subchapter. (Ord. 4-2006, passed 9-11-2006)

§ 34.05 TOLLS, PARKING COSTS, MEALS, AND LODGING.

Reimbursement shall be made to officers, employees, and volunteers for tolls, parking costs, meals, and lodging for authorized travel, upon presentation of a written receipt. If written documentation is not available, as is in the case of a parking charge for a parking meter, the individual making the claim shall present a written statement of the date and amount of the charge. Tolls, parking costs, meals, and lodging to be reimbursed will have a maximum allowable amount set by the town within a fee schedule adopted by the Town Council, the fee schedule having been set at \$25 maximum per meal, \$125 maximum per night of lodging, and \$20 maximum for daily parking. The maximum fees may be further modified without amendment of this section of the town code by the Town Council, as may be necessary to reflect any change in the local standard of living cost or as otherwise deemed appropriate, upon majority vote of the Town Council at any regularly scheduled public meeting and any such approval and adoption shall be properly reflected in the minutes thereof.

(Ord. 4-2006, passed 9-11-2006)

VEHICLE ACCIDENT REPORTS**§ 34.20 ACCIDENT REPORTS AVAILABLE TO PERSONS SUFFERING INJURY OR DAMAGE.**

Notwithstanding any provision of law to the contrary, the Town of Cambridge City, from any information or reports in its files received by it from any source whatever, shall promptly on demand therefor furnish to any person who has sustained any loss or damage, by reason of the injury or death of any person or damage to property caused by or resulting from the operation, maintenance, or use of any vehicle upon any public street or highway of this state, the following information:

- (A) The name and address of the owner and operator of any vehicle involved in the accident;
- (B) The license number and description of any vehicle involved in the accident;
- (C) The time and place the accident occurred;
- (D) The names and addresses of any persons injured or killed in the accident; and
- (E) The names and addresses of any persons who were witnesses to the accident.

(1981 Code, § 2.1001) (Ord. 1-1982, passed 3-8-1982)

§ 34.21 WHO MAY OBTAIN INFORMATION.

Any person so entitled to the information may obtain the same from the Clerk-Treasurer either in person or through his or her duly authorized agent or attorney. The agent or attorney shall first file with the Clerk-Treasurer a verified written authorization therefor signed by the person so entitled to the information.

(1981 Code, § 2.1002) (Ord. 1-1982, passed 3-8-1982)

§ 34.22 FEE FOR FURNISHING COPY OF REPORT; DEPOSIT AND USE OF FEES.

(A) The Town Marshal shall charge and collect the minimum fee provided by I.C. 9-29-11-1, including any future recodification or amendment thereto, for a copy of any accident report furnished to any persons entitled to receive the report. At the time of the updating of this section of the Town Code, the minimum fee is \$5, in accordance with I.C. 9-29-11-1. Therefore, in the event that the minimum charge provided in I.C. 9-29-11-1 (as amended or recodified) increases, the amount charged by the town shall increase to coincide with the minimum charge as required by Indiana law.

(B) The Clerk-Treasurer of the town shall deposit all accident report receipt fees set out in division (A) immediately above into the Law Enforcement Continuing Education Fund, pursuant to I.C. 9-29-11-1 and I.C. 5-2-8. The funds in this account shall be used for the continuing education and training of law enforcement officers employed by the agency and for equipment and supplies for law enforcement purposes.

(1981 Code, § 2.1003) (Ord. 1-1982, passed 3-8-1982; Ord. 5-2008, passed 10-13-2008)

§ 34.23 EXCEPTION WHERE CRIMINAL PROCEEDINGS MAY BE INVOLVED.

If the prosecuting attorney of the county wherein the accident occurred shall advise the town that in his or her opinion the information should not be released to any person, and shall assign as his or her reason therefor that criminal charges have been filed, or are in contemplation of being filed, against any persons as a result of the accident, any such information shall be withheld until its release is approved by the prosecuting attorney.

(1981 Code, § 2.1004) (Ord. 1-1982, passed 3-8-1982)

***MEMBERSHIP DUES TO ORGANIZATIONS AND EXPENSES
OF ATTENDANCE AT MEETINGS***

§ 34.35 MEMBERSHIP DUES TO ORGANIZATIONS.

The legislative body is authorized to budget and appropriate funds from the General Fund or from other funds to provide membership for the town and the elected and appointed officials and members of

the town's boards, departments, or agencies in local, regional, state, and national associations of a civic, educational, or governmental nature, which have as their purpose the betterment and improvement of municipal operations.

(1981 Code, § 2.1101) (Ord. 8-1982, passed 4-12-1982)

§ 34.36 EXPENSES OF ATTENDANCE AT MEETINGS.

The legislative body is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the town belongs.

(1981 Code, § 2.1102) (Ord. 8-1982, passed 4-12-1982)

EQUAL EMPLOYMENT POLICY AND AFFIRMATIVE ACTION COMMITMENT

§ 34.50 EQUAL EMPLOYMENT POLICY OF THE TOWN.

It is the public policy of the Town of Cambridge City to provide all persons equal employment opportunities regardless of race, religion, color, sex, handicap, national origin, or ancestry.

(1981 Code, § 2.1201) (Ord. 1-1983, passed 1-24-1983)

§ 34.51 PUBLIC CONTRACTS TO CONTAIN NONDISCRIMINATION CLAUSE.

Every contract to which the town is a party, including franchises granted to public utilities, shall contain a provision requiring the contractor and his or her subcontractors not to discriminate against any employee or applicant for employment, to be employed in the performance of the contract, with respect to his or her hire, tenure terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his or her race, religion, color, sex, handicap, national origin, or ancestry.

(1981 Code, § 2.1202) (Ord. 1-1983, passed 1-24-1983)

§ 34.52 AFFIRMATIVE ACTION COMMITMENT.

The Town of Cambridge City is committed to an affirmative action policy which includes the establishment of employment policies and conditions which ensure the elimination of underutilization of qualified members of affected classes as defined in I.C. 22-9-3-1, and the elimination of employment discrimination on the basis of race or color, religion, national origin or ancestry, age, sex, and handicap.

(1981 Code, § 2.1203) (Ord. 1-1983, passed 1-24-1983)

*ACCESS TO PUBLIC RECORDS***§ 34.65 RIGHT OF INSPECTION OF PUBLIC RECORDS.**

Any person may inspect and copy the public records of the town during regular business hours, except as provided in § 34.66, request for inspection or copying must identify with reasonable particularity the record being requested.

(1981 Code, § 2.1301) (Ord. 2-1984, passed 1-23-1984)

§ 34.66 EXCEPTIONS.

The following public records are excepted from § 34.65 and may not be disclosed, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(A) Those declared confidential by state statute;

(B) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute;

(C) Those required to be kept confidential by federal law;

(D) Investigatory records of law enforcement agencies, except as provided in § 34.67;

(E) The work product of an attorney appointed by the town to represent it or any individual;

(F) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again;

(G) Scores of tests or license examinations if the person is identified by name and has not consented to the release of his or her scores;

(H) Records that contain intra-agency or inter-agency advisory or deliberative material that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision-making;

(I) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal;

(J) Personnel files of public employees, except for: the name, compensation, application for employment, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency; information relating to the status of any formal charges against the employee; and information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged. However, all personnel file information shall be made available to the affected employee or his or her representative;

(K) Administrative or technical information that would jeopardize a record-keeping or security system;

(L) Computer programs, computer codes, computer filing systems, and other software that are owned by the town or entrusted to it;

(M) Records specifically prepared for discussion, or developed during discussion in an executive session under I.C. 5-14-1.5-6.1;

(N) The identity of a donor of a gift made to the town if the donor requires nondisclosure of his or her identity as a condition of making the gift; and

(O) Any other record which current or future law requires or allows a public agency to exempt. (1981 Code, § 2.1302) (Ord. 2-1984, passed 1-23-1984)

§ 34.67 INFORMATION CONCERNING ARRESTS AND INVESTIGATIONS.

(A) If a person is arrested or summoned for an offense, the following information shall be made available for inspection and copying:

- (1) Information that identifies the person including his or her name, age, and address;
- (2) Information concerning any charges on which the arrest or summons is based; and
- (3) Information relating to the circumstances of the arrest or the issuance of the summons, such as the:
 - (a) Time and location of the arrest or the issuance of the summons;
 - (b) Investigating or arresting officer (other than an undercover officer or agent); and
 - (c) Investigating or arresting law enforcement agency.

(B) If a person is received in a jail or lock-up, the following information shall be made available for inspection and copying:

- (1) Information that identifies the person including his or her name, age, and address;
- (2) Information concerning the reason for the person being placed in the jail or lock-up, including the name of the person on whose order the person is being held;
- (3) The time and date that the person was received and the time and date of his or her discharge or transfer; and
- (4) The amount of the person's bail or bond, if it has been fixed.

(C) If the town maintains a daily log or record that suspected crimes, accidents, or complaints, the following information shall be made available for inspection and copying:

- (1) The time, substance, and location of all complaints or requests for assistance received by the town;
 - (2) The time and nature of the response to all complaints or requests for assistance; and
 - (3) If the incident involves an alleged crime or infraction:
 - (a) The time, date, and location of occurrence;
 - (b) The name and age of any victim, unless the victim is a victim of a crime under I.C. 35-42-4;
 - (c) The factual circumstances surrounding the incident; and
 - (d) A general description of any injuries, property, or weapons involved.
- (1981 Code, § 2.1303) (Ord. 2-1984, passed 1-23-1984)

§ 34.68 RECORDS CONTAINING DISCLOSABLE AND NONDISCLOSABLE INFORMATION.

If a public record contains disclosable and nondisclosable information, the material that may be disclosed shall be separated and made available for public inspection.

(1981 Code, § 2.1304) (Ord. 2-1984, passed 1-23-1984)

§ 34.69 REQUESTS FOR DISCLOSURE; PROCEDURE.

For the purposes of this subchapter, the following procedure shall apply.

(A) The Clerk-Treasurer is hereby designated as the person responsible for public records release decisions and will be referred to as the Records Access Officer.

(B) A copy fee schedule will be determined by the Clerk-Treasurer based on the actual cost of copying the record. If the town does not have reasonable access to a machine capable of mechanically reproducing the record, the requester may inspect and manually transcribe the record. Fees are payable before any record is duplicated and may be paid by cash or money order payable to the town.

(C) The Records Access Officer shall have 24 hours in which to respond; however, when a request is received on a Friday or on a day preceding a nonbusiness day, the Records Access Officer shall have until the same hour on the next business day in which to release, copy, or refuse disclosure, whichever is applicable.

(D) With respect to records which are determined not available, the Records Access Officer will state upon the request form that the town does not possess the records or that it not be found after diligent search, and return one copy of the form to the requester.

(E) Records may be inspected only at the office or location where they are regularly maintained, during regular business hours.

(F) Requests by mail nor copies of records may be addressed to the Records Access Officer and will be honored upon payment of the regular fee, provided the requested record is sufficiently identified to make compliance practicable.

(G) The Records Access Officer shall be guided by the Access to Public Records Act and amendments, if any; by state and federal law regarding privacy, confidentiality, and disclosure requirements of certain records; and by this subchapter which exempts certain records from disclosure.

(H) Whenever a request for disclosure is denied by the Records Access Officer, the person making the request may appeal the decision to the Town Council.

(I) The town will not, pursuant to a request, create lists of names and addresses, unless it is required to establish the lists and to disclose them pursuant to statute.

(1981 Code, § 2.1305) (Ord. 2-1984, passed 1-23-1984)

NATIONAL INCIDENT MANAGEMENT SYSTEM

§ 34.80 ADOPTION.

(A) The town hereby adopts the National Incident Management System dated 3-1-2004.

(B) This section shall be in full force and effect from and after its passage and adoption, and proper publication, if any, as may be required by law, whichever is later.

(Ord. 5-2006, passed 10-9-2006)

CHAPTER 35: ENFORCEMENT OF ORDINANCES

Section

- 35.01 Violations on private property
- 35.02 Injunctions
- 35.03 Proceedings to enforce ordinances
- 35.04 Ordinance Violations Bureau established
- 35.05 Appointment of Violations Clerk
- 35.06 Settlement of violation with Clerk
- 35.07 Initiation of court proceedings
- 35.08 Disposition of funds collected by Clerk
- 35.09 Schedule of ordinance violations and civil penalties

§ 35.01 VIOLATIONS ON PRIVATE PROPERTY.

If a condition violating an ordinance of the town exists on real property, officers of the town may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity to bring the property into compliance. If action to bring compliance is taken by the town, the expense involved may be made a lien against the property.

(1981 Code, § 1.301) (Ord. 3-1988, passed 7-11-1988)

§ 35.02 INJUNCTIONS.

The town may bring a civil action to enjoin any person from:

(A) Violating an ordinance regulating or prohibiting a condition or use of property; or

(B) Engaging in conduct without a license if an ordinance requires a license to engage in the conduct.

(1981 Code, § 1.302) (Ord. 3-1988, passed 7-11-1988)

§ 35.03 PROCEEDINGS TO ENFORCE ORDINANCES.

(A) An ordinance defining a moving traffic violation must be enforced in accordance with I.C. 34-28-5-1.

(B) Other ordinances may be enforced without proceeding in court in accordance with §§ 35.04 through 35.09, or may enforced in accordance with I.C. 34-28-5-1.
(1981 Code, § 1.303) (Ord. 3-1988, passed 7-11-1988)

§ 35.04 ORDINANCE VIOLATIONS BUREAU ESTABLISHED.

There is established an Ordinance Violations Bureau for the town, in accordance with I.C. 33-36-2-1.
(1981 Code, § 1.304) (Ord. 3-1988, passed 7-11-1988)

§ 35.05 APPOINTMENT OF VIOLATIONS CLERK.

The Town Clerk-Treasurer is hereby appointed as the Violations Clerk and the administrator of the Bureau.
(1981 Code, § 1.305) (Ord. 3-1988, passed 7-11-1988)

§ 35.06 SETTLEMENT OF VIOLATION WITH CLERK.

In ordinance violation cases, subject to the schedule prescribed by the Town Council under I.C. 33-36-3, the Violations Clerk may accept:

(A) Written appearances;

(B) Waivers of trial;

(C) Admissions of violations; and

(D) Payment of civil penalties of not more than the maximum amount provided by I.C. 33-36-2-3;

(1981 Code, § 1.306) (Ord. 3-1988, passed 7-11-1988; Ord. 7-2008, passed 12-8-2008)

§ 35.07 INITIATION OF COURT PROCEEDINGS.

(A) If a person denies an ordinance or code violation under this chapter; fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation; or fails to deny or admit the violation under this chapter; the clerk shall report this fact to the Town Attorney.

(B) Proceedings in court against the person shall then be initiated for the alleged ordinance violation.

(1981 Code, § 1.307) (Ord. 3-1988, passed 7-11-1988)

§ 35.08 DISPOSITION OF FUNDS COLLECTED BY CLERK.

All sums collected by the Violations Clerk as civil penalties for ordinance violations shall be accounted for and paid to the town as provided by law.

(1981 Code, § 1.308) (Ord. 3-1988, passed 7-11-1988)

§ 35.09 SCHEDULE OF ORDINANCE VIOLATIONS AND CIVIL PENALTIES.

The ordinance and code provisions of the town that are subject to admission of violation before the Violations Clerk and the amount of civil penalty to be assessed a violator who elects to admit a violation under this chapter shall be as set forth in the schedule adopted by reference and incorporated herein as if set out in full.

(1981 Code, § 1.309) (Ord. 3-1988, passed 7-11-1988)

Editor's Note:

Two copies of the provisions adopted by reference in this section are available for public inspection at the office of the Clerk-Treasurer during regular business hours.

CHAPTER 36: PERSONNEL

Section

- 36.01 Applicability
- 36.02 Employment of personnel
- 36.03 Accidents
- 36.04 Dismissal
- 36.05 Outside employment
- 36.06 Leave of absence
- 36.07 Absence without leave
- 36.08 Special leave
- 36.09 Resignation
- 36.10 Work days and work week
- 36.11 Holidays
- 36.12 Sick leave
- 36.13 Bereavement leave
- 36.14 Vacations
- 36.15 Family and Medical Leave Act

§ 36.01 APPLICABILITY.

The provisions of this chapter shall apply to all municipal employees, except elected officials.
(Ord. 3-2015, passed 3-9-2015)

§ 36.02 EMPLOYMENT OF PERSONNEL.

The Town Council shall have the sole authority to employ necessary personnel. It shall be the Council's duty to determine by review of any application, any applicable physician's report, and the applicant's history whether said applicant has the necessary qualifications for performing the duties required before approving the employment of a job applicant.
(Ord. 3-2015, passed 3-9-2015)

§ 36.03 ACCIDENTS.

Personnel involved in, or having any knowledge of, any accident whereby any person employed by the town or any property or equipment owned or operated by the town is involved, shall immediately

report the accident and pertinent information to the public works superintendent who shall forward such information to the office of the Clerk-Treasurer. The Clerk-Treasurer shall record the information on three copies of the applicable accident report form, one copy to be forwarded to the insurance carrier, one copy to the town attorney, and one copy retained on file in the Clerk-Treasurer's office.
(Ord. 3-2015, passed 3-9-2015)

§ 36.04 DISMISSAL.

All employees shall serve at the pleasure of the Town Council, and said Council may dismiss any employee, except the Marshal and deputy marshals, at any time and for any cause.
(Ord. 3-2015, passed 3-9-2015)

§ 36.05 OUTSIDE EMPLOYMENT.

No municipal employee shall engage in any outside employment which will impair the performance of his or her duties or be detrimental to the municipal services. Further, any such outside employment must be first approved by the employee's direct supervisor.
(Ord. 3-2015, passed 3-9-2015)

§ 36.06 LEAVE OF ABSENCE.

A leave of absence without pay may be granted for a period not to exceed 60 days when the granting of such leave is in the mutual interests of the town and the employee. Such leave shall require the prior approval of the Town Council.
(Ord. 3-2015, passed 3-9-2015)

§ 36.07 ABSENCE WITHOUT LEAVE.

No employee may absent himself from duty without permission of the public works superintendent. An employee absent for three consecutive working days without notice and without sufficient reason shall be considered to have resigned.
(Ord. 3-2015, passed 3-9-2015)

§ 36.08 SPECIAL LEAVE.

Employees or officials on special leave for official town business, special education, or training, upon prior authorization by the Town Council, shall receive regular pay during the period of said leave. It is further provided that the Council may authorize all necessary expenses be paid by the town.
(Ord. 3-2015, passed 3-9-2015)

§ 36.09 RESIGNATION.

To resign in good standing, salaried personnel shall submit a resignation in writing to the Town Council one calendar month in advance of the effective date of their resignation. Hourly-employed personnel shall submit a resignation in writing two weeks in advance of the effective date of their resignation.

(Ord. 3-2015, passed 3-9-2015)

§ 36.10 WORK PAYS AND WORK WEEK.

Unless otherwise agreed upon or provided for, and except in case of emergency as determined by the Town Council or by the public works superintendent, the municipal work week shall be 40 hours per week. The public works superintendent shall establish a normal work day specifically designating the starting time, the quitting time, and the lunch period, which time shall be strictly adhered to by the municipal employees. Employees shall be at their places of work according to these regulations. The provisions of this section shall not apply to the policy department (which shall have its own standard operating regulations), or to department heads or officials.

(Ord. 3-2015, passed 3-9-2015)

§ 36.11 HOLIDAYS.

(A) Holidays to be observed with pay shall be as follows:

- (1) New Year's Day and one-half of preceding day;
- (2) Martin Luther King Day, as such day is nationally recognized;
- (3) President's Day, as such day is nationally recognized;
- (4) Good Friday;
- (5) Memorial Day, as such day is nationally recognized;
- (6) Independence Day, as such day is nationally recognized;
- (7) Labor Day, as such day is nationally recognized;
- (8) Veterans Day, as such day is nationally recognized;
- (9) Thanksgiving Day and the following day;

(10) Christmas Day and either the day preceding or the next day, as determined annually by the Town Council.

(B) To receive holiday pay, employees must work the last scheduled work day preceding and the first scheduled work day following said holiday. Holiday pay shall be limited to the regular scheduled hours of the normal work day for the unworked holiday.

(C) Temporary, part-time or seasonal employees paid on an hourly basis are excluded from the provisions of this section.

(Ord. 3-2015, passed 3-9-2015)

§ 36.12 SICK LEAVE.

(A) Full-time employees and appointed officials of the town shall receive pay during unavoidable absence from work due to sickness or accident during any calendar year on the following basis:

<i>Length of employment or service</i>	<i>Full pay for</i>	<i>Half pay for additional</i>
Three months to one year	One week	None
One year to three years	Two weeks	None
Three years to six years	Two weeks	Two weeks
Six years to ten years	Three weeks	Three weeks
Ten years to 15 years	Four weeks	Four weeks
Over 15 years	Five weeks	Five weeks

(B) Where payment is due on such employee or official under workman's compensation or pension laws, if any, the amount received by reason of workman's compensation or pension payment shall be deducted from the allowances above provided for.

(C) Any claim for sick pay of more than two days must be accompanied by a certificate signed by a duly licensed physician or surgeon to verify such sickness or accident.

The above designated sick leave allowances shall not be considered accumulative, and no sick leave with pay shall be allowed in any calendar year in excess of the periods above established.

(Ord. 3-2015, passed 3-9-2015; Ord. 4-2015, passed 5-11-2015)

§ 36.13 BEREAVEMENT LEAVE.

Full-employees and appointed officials of the town may be absent from work with pay for death in the family of such employee or official according to the following schedule:

(A) For death of employee's spouse or child or stepchild - a period extending not more than five days beyond the death.

(B) For death of employee's father, mother, brother or sister, or for death of father or mother of employee's spouse - a period extending not more than three days beyond the death.

(C) For death of employee's grandparent, grandchild, brother-in-law, sister-in-law, or daughter-in-law, or for death of brother, sister, grandparent, brother-in-law or sister-in-law of employee's spouse - a period extending not more than two days beyond the death.

(Ord. 3-2015, passed 3-9-2015)

§ 36.14 VACATIONS.

(A) Each full-time employee and appointed official of the town (hereinafter, from time to time, collectively referred to as "employee" or "employees") shall be allowed vacation time, with full pay, on a periodic basis. The amount of said vacation to which an employee is entitled to shall be determined by the employee's length of service as of his or her employment anniversary date. Vacations accrue as follows:

(1) At the end of six months of service, the employee shall have earned one week of vacation, which must be used prior to the one-year anniversary date of his or her employment.

(2) One year or more of service, but less than five years of service, two weeks of paid vacation per year.

(3) Five years or more of service, but less than ten years of service, three weeks of paid vacation per year.

(4) Ten years or more of service, four weeks of paid vacation per year.

(B) Vacation time does not accrue between employment anniversary dates and may not be taken until it is earned. Vacation time must be used in the anniversary year after which it is earned and may not be carried over pas the employee's next anniversary date.

(C) Earned vacation must be taken. Employees are not entitled to pay in lieu of taking time off for vacation, except that terminated employees are entitled to be paid for all earned, unused vacation.

(D) The head of each department may designate the time when each employee under his supervision may take a vacation. Vacation time must be taken in no less than one-half day increments. The time at which heads of departments of appointed officials may take their vacation shall be designated by the

Town Council member charged with the supervision of such department head or appointed official. He above designated vacation periods shall not be considered accumulative, and no vacation with pay shall be allowed in any year in excess of the periods above established, without prior approval by the Town Council.

(Ord. 3-2015, passed 3-9-2015)

§ 36.15 FAMILY AND MEDICAL LEAVE ACT.

(A) The town complies with all applicable federal and state labor and unemployment laws, including the Family and Medical Lave Act of 1993 (FMLA). Under FMLA, eligible employees are entitled to certain rights, and have certain obligations, with respect to unpaid leave for certain family and medical reasons.

(B) *FMLA Leave Eligibility.* An eligible employee under FMLA is an employee who has been employed by the town for at least 12 months, who has worked at least 1,250 hours in the past 12 months, and who works at a facility in which at least 50 employees are employed by the employer. Based on the number of employees required, the town does not have any eligible employees, therefore the town and its employees are not affected by this act nor will leave be granted pursuant to same.

(Ord. 3-2015, passed 3-9-2015)

TITLE V: PUBLIC WORKS

Chapter

- 50. GARBAGE AND TRASH DISPOSAL**
- 51. STORM WATER MANAGEMENT**
- 52. WATER WORKS**
- 53. SEWAGE WORKS**

CHAPTER 50: GARBAGE AND TRASH DISPOSAL

Section

- 50.01 Definitions
- 50.02 Uncovered garbage
- 50.03 Wind-blown refuse
- 50.04 Deposits on streets
- 50.05 Consent of owner
- 50.06 Disposal
- 50.07 Burning garbage
- 50.08 Collection
- 50.09 Containers
- 50.10 Separation
- 50.11 Fees for collection
- 50.12 Refuse Collection Fund
- 50.13 Administration and enforcement

- 50.99 Penalty

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. Residue from fires used for cooking and for heating buildings.

GARBAGE. Wastes resulting from the handling, preparation, cooking, and consumption of food; wastes from the handling, storage, and sale of produce.

REFUSE. Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles; provided, refuse shall not include earth and wastes from building operations.

(1981 Code, § 4.301) (Ord. 3-1995, passed 3-27-1995)

§ 50.02 UNCOVERED GARBAGE.

It shall be unlawful to place or permit to remain anywhere in the town any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered metal or plastic container. (1981 Code, § 4.302) (Ord. 3-1995, passed 3-27-1995) Penalty, see § 50.99

§ 50.03 WIND-BLOWN REFUSE.

It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of such a material that it can be blown away by the wind anywhere in the town excepting in a covered container. (1981 Code, § 4.303) (Ord. 3-1995, passed 3-27-1995) Penalty, see § 50.99

§ 50.04 DEPOSITS ON STREETS.

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse, or ashes on any public street, alley, or public place in the town; provided, that this section shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this chapter preparatory to having the material collected and disposed of in the manner provided herein. (1981 Code, § 4.304) (Ord. 3-1995, passed 3-27-1995) Penalty, see § 50.99

§ 50.05 CONSENT OF OWNER.

It shall be unlawful to dump or place any garbage, refuse, or ashes on any premises in the town without the consent of the owner of the premises. (1981 Code, § 4.305) (Ord. 3-1995, passed 3-27-1995) Penalty, see § 50.99

§ 50.06 DISPOSAL.

It shall be unlawful to dispose of any garbage, refuse, or ashes anywhere in the town, except that flammable refuse may be disposed of in an incinerator, or disposal devise, properly constructed and operated. The material not so properly disposed of shall be placed in containers for collection by the town as hereinafter prescribed. (1981 Code, § 4.306) (Ord. 3-1995, passed 3-27-1995) Penalty, see § 50.99

§ 50.07 BURNING GARBAGE.

It shall be unlawful to burn garbage anywhere in the town. (1981 Code, § 4.307) (Ord. 3-1995, passed 3-27-1995) Penalty, see § 50.99

§ 50.08 COLLECTION.

The Public Works Superintendent shall have charge of the collection of garbage, refuse, and ashes in the town. Those business and residential customers who, at the effective date of this chapter, are using private contractors for collection and disposal may continue to do so and the collection fees hereinafter prescribed will not be charged to the customers, provided that the customers shall notify the town in writing of their intent to continue the private contractor service within 30 days after the effective date of this chapter. Otherwise, the town shall collect garbage, refuse, and ashes from all premises at least once each week, provided that the material is properly stored for collection in a container complying with the provisions of this chapter. The schedule of collections shall be established from time to time by the Public Works Superintendent.

(1981 Code, § 4.308) (Ord. 3-1995, passed 3-27-1995)

§ 50.09 CONTAINERS.

(A) All garbage, refuse, and ashes for collection by the town shall be placed in a standard plastic or galvanized metal container, water tight, with tight fitting cover and handle, with a capacity of not more than 30 gallons. Such containers must be provided by the resident. Plastic bags will also be considered acceptable. In addition, a bundle or package containing rubbish only, not exceeding four feet in its longest dimension, securely tied with a cord or rope of sufficient strength to permit lifting and carrying of the full weight thereof without spillage or leakage, may also be placed for collection immediately adjacent to the above standard container. Cardboard boxes shall also be picked up if the boxes do not exceed three feet square and three feet tall, so long as they are not wet. The weight of the standard container, bundle, or box shall not exceed 50 pounds. The containers and/or bundles or boxes shall be placed upon the premises, preferably in a paved area, at the curb.

(B) As an alternative to and/or in addition to the above procedure, a customer may also request from the town the use of one 96 gallon, rolling container, which shall be provided by the town-through the town's provider-at no cost to the customer. (In the event a customer requires the use of a second or multiple container, the cost thereof must be negotiated between the customer and provider directly, and any cost associated thereof shall be the direct responsibility of the customer and not the town.) This rolling container must be placed in the same location as the containers described above.

(1981 Code, § 4.309) (Ord. 3-1995, passed 3-27-1995; Ord. 2-2011, passed 4-11-2011) Penalty, see § 50.99

§ 50.10 SEPARATION.

Garbage shall be kept separate from all other types of refuse and shall be wrapped prior to placing in containers.

(1981 Code, § 4.310) (Ord. 3-1995, passed 3-27-1995) Penalty, see § 50.99

§ 50.11 FEES FOR COLLECTION.

(A) The fees for collection by the town shall be paid monthly in advance and shall be as follows:

- (1) Single-family residence - \$13.25 per month;
- (2) Multi-family residence - \$13.25 per month; and
- (3) Business and commercial - \$13.25 per month (not exceeding eight bags).

(B) Owners of occupants shall be billed monthly in advance for the appropriate collection fee for their premises. When an owner or occupant of any premises fails to pay the collection fee, the town shall notify the person of the fact and shall refuse further collection until the required fee is paid. All accounts due are subject to a penalty of ten percent if not paid on or before the expiration of the past-due date shown on the bill.

(1981 Code, § 4.311) (Ord. 3-1995, passed 3-27-1995; Ord. 4-2006, passed 5-22-2006; Ord. 2-2011, passed 4-11-2011; Ord. 1-2016, passed 5-9-2016)

§ 50.12 REFUSE COLLECTION FUND.

(A) There is hereby established a Refuse Collection Fund for the Town of Cambridge City into which shall be deposited all fees received under the provisions of § 50.11 for the collection and disposal of garbage and rubbish in the town.

(B) The Refuse Collection Fund shall be a cumulative nonreverting fund which shall be used exclusively for payment of the costs of garbage and trash collection and disposal services provided by or contracted for by the town.

(1981 Code, § 4.312) (Ord. 3-1995, passed 3-27-1995)

§ 50.13 ADMINISTRATION AND ENFORCEMENT.

(A) This chapter shall be in full force and effect territorially throughout the Town of Cambridge City.

(B) The administration and enforcement of this chapter shall be conducted by the town. The Town Marshal Department is also authorized to assist in the enforcement of this chapter.

(C) It shall be unlawful for any person not authorized and approved by the town to remove, displace, uncover, or otherwise disturb any refuse container or the contents thereof that has been placed on location for collection.

(1981 Code, § 4.313) (Ord. 3-1995, passed 3-27-1995) Penalty, see § 50.99

§ 50.99 PENALTY.

The penalty for any violation of this chapter shall be the penalty prescribed by and set forth in § 10.99 of this code.

(Ord. 8-2008, passed 12-8-2008)

CHAPTER 51: STORM WATER MANAGEMENT

Section

- 51.01 Incorporation of state law and establishment of Department of Storm Water Management
- 51.02 Stormwater service charges
- 51.03 Board of Directors
- 51.04 Powers of Board; operations
- 51.05 Establishment of special taxing district; financing of facilities; budget
- 51.06 Manuals adopted; Storm Water Management Fund established

§ 51.01 INCORPORATION OF STATE LAW AND ESTABLISHMENT OF DEPARTMENT OF STORM WATER MANAGEMENT.

(A) I.C. 8-1.5-5 concerning “Storm Water Management Systems” is hereby adopted by the Town Council of the Town of Cambridge City, Indiana, so as to make the Act and any and all amendments thereto effective and operative in the Town of Cambridge City, Indiana. Where any specific section of the Act is cited herein, the cite shall include any future amendments thereto and/or recodifications thereof.

(B) Pursuant to I.C. 8-1.5-5, a Department of Storm Water Management shall be and is hereby created for the purpose of providing for the collection and disposal of storm and surface water in the Town of Cambridge City.

(Ord. 2-2004, passed 6-14-2004)

§ 51.02 STORMWATER SERVICE CHARGES.

(A) *Implementation.* A stormwater service charge shall be imposed on each and every lot and parcel of load within the town, which charge shall be assessed against the property owner thereof, show shall be considered the user for the purposes of this section. This charge is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, and maintenance of the existing and future stormwater system.

(B) *Basis for charge.* The stormwater charge is designed to recover the cost of rendering stormwater service to the users of the stormwater svstem. and in general shall be based upon the quantity of impervious land service area of the property, following a base fee applicable to all properties.

(C) *Impervious area.* For purposes of this section, the term **IMPERVIOUS AREA** shall be defined as the area of a property that prevents or significantly impedes the infiltration of stormwater into the soil.

Cambridge City - Public Works

Including in this definition are areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are lawns and fields.

(D) *Charge for single- and double-family residential properties.* A base charge of \$4 per month shall be assessed upon all single and double family properties located within the town, regardless of the impervious area of such property.

(E) *Charge for commercial and multi-family properties.* The charge for all commercial and multi-family properties, defined as all other properties other than single and double family residences, shall be based upon the impervious area of such property and shall be as set forth below:

<i>Monthly Fees for Storm Water</i>	
All residential (including one and two family dwellings)	\$4/month
Commercial and multi-family properties	
Impervious area of 2,450 sq. ft. or less	\$4/month
Impervious area of 2,451 sq. ft. through 15,000 sq. ft.	\$6/month
Impervious area of 15,001 sq. ft. through 30,000 sq. ft.	\$8/month
Impervious area of 30,001 sq. ft. through 45,000 sq. ft.	\$10/month
Impervious area of 45,001 sq. ft. through 60,000 sq. ft.	\$12/month
Impervious area of 60,001 sq. ft. through 75,000 sq. ft.	\$14/month
Impervious area of 75,001 sq. ft. or more	\$16/month

(F) *Billings.* Billings for all property owners shall be submitted and paid semi-annually, in conjunction with the property owner's real estate tax statements, and the town shall take all action necessary in order to submit such billings to the tax collecting authorities.

(Ord. 7-2015, passed 10-12-2015; Ord. 2-2016, passed 6-13-2016)

§ 51.03 BOARD OF DIRECTORS.

(A) Pursuant to I.C. 8-1.5-5-4(c), the Department of Storm Water Management shall be controlled by a Board of Directors which shall consist of three Directors appointed by the Town Council President of the Town of Cambridge City, no more than two of whom may be of the same political party.

(B) The Town Council President may remove a Director at any time when, in the judgment of the Town Council President, it is for the best interest of the Department. If a Director is so removed, the Town Council President shall appoint a replacement to fill the unexpired term of the removed Director.

(C) The initial terms of the Directors appointed shall be staggered as follows:

(1) One Director of the initial Board of Directors shall have a term expiring on the second Monday in January 2006;

(2) One Director of the initial Board of Directors shall have a term expiring on the second Monday in January 2007;

(3) One Director of the initial Board of Directors shall have a term expiring on the second Monday in January 2008; and

(4) Thereafter, the terms of all Directors shall be for a period of three years. The initial terms shall begin on the passage of this chapter.

(Ord. 2-2004, passed 6-14-2004)

§ 51.04 POWERS OF BOARD; OPERATIONS.

(A) The Board of Directors shall have those powers and duties as prescribed by I.C. 8-1.5-3-4(a) and, additionally, those provided in I.C. 8-1.5-5-6.

(B) The Utility Superintendent of the town (or his or her designee) shall be in charge of day-to-day operations of the Department of Storm Water Management and shall attend the meetings of the Board of Directors.

(Ord. 2-2004, passed 6-14-2004)

§ 51.05 ESTABLISHMENT OF SPECIAL TAXING DISTRICT; FINANCING OF FACILITIES; BUDGET.

(A) Pursuant to I.C. 8-1.5-5-5, there is hereby created a special taxing district, which shall include all of the territory within the corporate boundaries of the Town of Cambridge City, Indiana.

(B) All territory within the district constitutes a special taxing district for the purpose of providing for the collection and disposal of storm water of the district in a manner that protects the public health and welfare and for the purpose of levying special benefit taxes for the purposes of storm water collection and disposal.

(C) The acquisition, construction, installation, operation, and maintenance of facilities and land for storm water systems may be financed as provided by I.C. 8-1.5-5-7.

(D) The Board of Directors may fix and set aside revenues as provided by I.C. 8-1.5- 5-8.

(E) The Board of Directors shall prepare a budget for the operation of the Department of Storm Water Management on an annual basis. The budget shall be subject to approval by the Town Council, and any issuance of bonds or other methods for making capital improvements shall be approved by the Town Council as provided by law.

(Ord. 2-2004, passed 6-14-2004)

§ 51.06 MANUALS ADOPTED; STORM WATER MANAGEMENT FUND ESTABLISHED.

(A) The *Policies and Procedures Manual* and a *Drainage Standards Manual* (collectively, the “Manuals”) were adopted by the Board of Directors of the Department of Storm Water Management by Resolution Number 1-2005, with the understanding that those portions of the Manuals which directly related to the implementation of monthly rates and charges would not be applicable at this time, and until further adopted by separate resolution of the Board and approved by the Town Council. The Manuals are attached to the Resolution Number 1-2005 of the Board as Exhibit “A” and Exhibit “B.”

(B) The Town Council hereby recognizes the adoption of the Manuals by the Department of Storm Water Management, and to the extent required by law, the town hereby adopts and approves the Manuals, with the exception of those portions directly related to the implementation of monthly user rates and charges. The effective portions of the Manuals shall include, but is not limited to, those portions governing and providing requirements for new construction projects for drainage related purposes, and the setting of initial drainage review fees, as set forth in the Manuals. The initial drainage review fees are set forth in the Manuals, as are provided as Exhibit “A” and Exhibit “B” of Resolution Number 1-2005 of the Department of Storm Water Management, a copy of which is on file with the town.

(C) The town, in its approval of the applicable portions of the Manuals, as set forth above, approves, sets, and enacts the initial drainage review fees as contained in the Manuals, which may be subject to review and change in the future by further ordinance of the town.

(D) A fund shall be established, entitled the Storm Water Management Fund, wherein any fees received pursuant to this section shall be deposited, and the funds may be used to pay for costs and expenses associated with the purpose for which the fees were collected.

(Ord. 2-2005, passed 7-11-2005)

CHAPTER 52: WATER WORKS

Section

Rules and Regulations for Use and Consumption

52.01 Rules and regulations

Water Rates and Charges

52.15 Schedule of rates and charges

RULES AND REGULATIONS FOR USE AND CONSUMPTION

§ 52.01 RULES AND REGULATIONS.

(A) *Generally.* In order to bring about and maintain a safe, economical, and efficient conduct of the affairs of the municipal water works system, the following rules and regulations governing the operation and maintenance of the system and the users and consumers of water within the system are hereby adopted.

(B) *Specifically.*

(1) *Rule 1.* Every consumer of water agrees to accept these rules as one of the conditions open which water is furnished.

(2) *Rule 2.* It is hereby made a condition precedent to the use of water by any consumer that no person be entitled to damages for any stoppage of the water supply occasioned by accident to hydrants or mains, or by reason of the scarcity or insufficiency of the water supply, or by the freezing of any mains or service pipes, or by the failure of the electric current used to operate the water pumps.

(3) *Rule 3.* The town shall require from all applicants for water service a utility deposit of \$100. Such deposit may be used by the town to pay any unpaid water charge, or any other utility charge due the town, such as trash, which may be due and unpaid from the depositor.

(4) *Rule 4.* Each user, at the time he or she is connected with the water works system, shall pay the actual costs of tapping the main, furnishing and laying service pipe, corporation, and stop cocks, service meter, and meter box, with a minimum charge of \$250.

Cambridge City - Public Works

(5) *Rule 5.* The town will bring the water service pipes to the inside of the curb at which point a meter box and meter will be placed. From this point, all pipes and fixtures will be installed by the consumer of water at his or her own expense.

(6) *Rule 6.* All meters will be supplied by the town at the customer's expense. If a meter is supplied by a contractor, it must be of type and model as specified by the town.

(7) *Rule 7.* The Public Works Superintendent must inspect all pipes before the ditches are filled and must have access to and be permitted at all proper times to inspect all apparatus and fixtures supplied with water and to read meters.

(8) *Rule 8.* Any damage to meters caused by freezing, hot water backing up through meter, tampering with, or any neglect of the consumer, must be paid for by the consumer or water will be turned off.

(9) *Rule 9.* All persons are forbidden turning the water on at the curb after being turned off by the town for any reason.

(10) *Rule 10.* After any water service is discontinued to any property serviced by the water utility for any reason, whether at the request of the consumer or because of failure to pay water bills, there shall be imposed a fee of \$25 for turning on the water service.

(11) *Rule 11.* Consumers will be held responsible for the payment of all water passing through their meters. In addition, consumers will be responsible for the repair and payment of any leaks in the service lines extending from the service line valve located at the street where the service line ties into the town's main water line. If a service line valve does not exist or cannot be located, the consumer is responsible for the service line beyond the street property line. All leaks in the service lines must be repaired at once or the water will be turned off and a charge made for restoring service. For purposes of this rule, or any other applicable rule herein, a service line is a water line that supplies one consumer or in the case of a multi-unit facility (business or residential), the water line that supplies said units.

(12) *Rule 12.* No person, firm, or corporation shall be permitted to tap or make any connection with the mains or service pipes of the water works of the Town of Cambridge City, except the Public Works Superintendent or a person authorized by the Public Works Superintendent.

(13) *Rule 13.* Service pipes intended to supply two or more distinct premises, or tenements, must be provided with a separate and distinct stop cock for each tenement on the outside of the premises, or where one stop cock is used, the owner of the service must pay the water rents for all parties, who are thus supplied, or upon failure of any one of the parties, to pay the water rents when due, or to comply with the rules and regulations of the water works. The supply of water to the service pipe shall be withheld without liabilities in damage to any of the other parties beyond the forfeiture of the amount paid.

(14) *Rule 14.* Contractors using town water for building purposes must have this water metered and pay for all water used.

(15) *Rule 15.* All persons are forbidden covering up or in any way interfering with any curb box, valve box, or fire hydrant and will be held responsible for any and all damage done.

(16) *Rule 16.* It shall be unlawful for any person not employed by the town to attach a water meter to any service pipe connected to the water works system.

(17) *Rule 17.* When the water supply upon any premises shall be ordered metered, the owner or tenant of the premises shall immediately cause to be made any change in the service pipes supplying water upon the premises which is made necessary by the order. In case the owner or tenant of any premises upon which the water supply has been ordered metered shall neglect or fail to make the required changes which become necessary by the order, the water supply shall be shut off, and the same will not be turned on until the owner or tenant has conformed fully to the order to the satisfaction of the Public Works Superintendent.

(18) *Rule 18.* In case any water meter has been placed on any property in such a way as to leave openings through which the water may flow without first passing through the meter, the owner or tenant of the premises shall be required to make the changes as will cause the water therefrom to pass through the meter.

(19) *Rule 19.* It shall be unlawful for any person or persons, firm, or association, company, or corporation, to cover up or in any way obstruct the free access to any water meter in the town service. In case of a violation of this provision, and failure on the part of the owner or tenant of the premises to remove the obstruction upon notice from the town water works, the water shall be immediately shut off from the premises.

(20) *Rule 20.* The town reserves the right to examine every meter connected with the water works system, whether located for convenience on private property or in a public street.

(21) *Rule 21.* The town shall have the right to take out and remove any water meter for the purpose of inspecting, repairing, or testing the same, and in the cases suitable provisions shall be made by the town for the necessary supply during the removal of the meter.

(22) *Rule 22.* It shall be unlawful for any plumber or other person to attach, disconnect, repair, test, or tamper with any water meter connected with the water works system, unless given specific permission by the Public Works Superintendent.

(23) *Rule 23.* In case any consumer shall vacate any premises upon which there is a water meter in service without notice served upon the water works in sufficient time to permit the removal of the meter without damage to same, the owner or tenant of the property so vacated shall be held liable and responsible for all water passing through the meter and also for all damages done to the meter.

(24) *Rule 24.* Consumers may have meters tested by making application to the Town Clerk-Treasurer and by payment in advance of a testing charge of \$50.

(25) *Rule 25.* The town reserves the right to restrict the use of water for all purposes except for fire use.

(26) *Rule 26.* All private fire protection systems shall be installed in accordance with the building code of the Town of Cambridge City. Private fire protection systems shall be metered separately from any other water service to the premises. All water used as shown on the meter will be charged at the rate of \$3.11 per 1,000 gallons. Meters will be checked at the regular water meter reading time.

(27) *Rule 27.* Water furnished to temporary users, such as contractors, circuses, and the like, shall be charged on the basis of the metered gallon rates heretofore established, as estimated and established by the Public Works Superintendent.

(28) *Rule 28.* Where a householder rents a room or rooms for light housekeeping to any person or persons who pay rent for the separate patron, each person or persons shall be considered a separate patron and shall pay the minimum charge for the water service. Also in case of persons living in buildings occupied by more than one tenant, each tenant shall be considered a separate patron, and in cases where separate meters are not installed, each patron shall pay the minimum provided for five-eighth inch meters; provided, however, that patrons who conduct a business in the same building where they reside, shall be exempt from the application of this rule and their consumption be included in the one billing. Each house trailer will be considered a separate consumer.

(29) *Rule 29.* Bills will be mailed monthly to all consumers for water used.

(30) *Rule 30.* All bills for water serviced not paid within 15 days from the due date thereof, as stated in the bills, shall be subject to the collection of deferred payment charge of ten percent, and if the charges are not paid by the last day of the month, water will be turned off.

(31) *Rule 31.* All water rentals must be paid at the office of the Town Clerk-Treasurer, in the Town Hall, North Foote Street. Office hours shall be 8:30 a.m. to 4:00 p.m. daily, except Sundays and legal holidays.

(32) *Rule 32.* Any consumer or person violating any of the provisions or rules of the town water works shall forfeit his or her right to the use of the town water in addition to any other penalty prescribed, and the water will be turned off at the curb without notice, until a satisfactory settlement is made at the water works office.

(Ord. SO WW 1-2003, passed 3-24-2003; Ord. 1-2010, passed 3-8-2010; Ord. 2-2013, passed 4-8-2013)
Penalty, see § 10.99

WATER RATES AND CHARGES

§ 52.15 SCHEDULE OF RATES AND CHARGES.

There shall be and there are hereby established for the use of and services rendered by the water works system of the Town of Cambridge City, based on the use of water supplied by the water works system, the following rates and charges.

(A) Consumption and monthly rates.

<i>Consumption per Month (Except Gateway Industrial Park)</i>	<i>Rate per 1,000 Gallons</i>
First 3,333 gallons (3/4-inch meter)	\$4.28
Next 6,667 gallons (all size meters)	\$3.76
Next 6,667 gallons (all size meters)	\$3.17
Over 16,667 gallons (all size meters)	\$1.89

<i>Consumption per Month for Gateway Industrial Park (This amount is in addition to monthly fee and monthly fire fee.)</i>	<i>Rate per 1,000 Gallons</i>
First 15,000 gallons (all size meters)	\$3.52
Next 35,000 gallons	\$2.56
Over 50,000 gallons	\$1.94

<i>Monthly Fee for Gateway Industrial Park (This amount is in addition to consumption per month fee and monthly fire fee.)</i>	<i>Monthly Fee</i>
5/8-inch meter	\$13.51
3/4-inch meter	\$20.25
1-inch meter	\$33.77
1-1/2 inch meter	\$67.50
2-inch meter	\$108.01
3-inch meter	\$202.54
4-inch meter	\$337.55

Cambridge City - Public Works

<i>Monthly Fee for Gateway Industrial Park (This amount is in addition to consumption per month fee and monthly fire fee.)</i>	<i>Monthly Fee</i>
6-inch meter	\$675.14
8-inch meter	\$1,080.19
10-inch meter	\$1,755.34
12-inch meter	\$2,903.37

<i>Monthly Fire Fee for Gateway Industrial Park (This amount is in addition to consumption per month fee and monthly fee.)</i>	<i>Monthly Fire Fee</i>
5/8-inch meter	\$2.62
3/4-inch meter	\$3.91
1-inch meter	\$6.55
1-1/2 inch meter	\$13.06
2-inch meter	\$20.88
3-inch meter	\$39.17
4-inch meter	\$65.32
6-inch meter	\$130.72
8-inch meter	\$209.19
10-inch meter	\$398.98
12-inch meter	\$562.34

(B) *Minimum charges per month.* Each user shall pay a minimum monthly charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above monthly schedule of rates:

<i>Meter Size (Except Gateway Industrial Park)</i>	<i>Monthly Minimum</i>
3/4-inch meter or less (3,333 gallons)	\$14.28
1-inch to 1-1/2 inch meter (9,444 gallons)	\$37.26
2-inch meter (13,000 gallons)	\$48.86
3-inch meter (44,000 gallons)	\$112.04

(C) *Public fire protection.* The amount to be paid by the Town of Cambridge City for fire hydrant rental shall be \$390 per hydrant per annum, effective 11-15-2015.

(D) *Regulations on the installation of a private fire protection system.*

(1) All private fire protection systems shall be installed in accordance with the building code of the Town of Cambridge City.

(2) Private fire protection systems shall be metered separately from any other water service to the premises.

(3) All water used as shown on the meter will be charged at the rate of \$3.11 per 1,000 gallons. Meters will be checked at the regular water meter reading time.

(E) *Tapping fees.* Each user at the time he or she is connected with the water works system shall pay actual costs of tapping the main, furnishing and laying service pipe, corporation and stop cocks, service and meter box, and installing the meter, with the minimum charge of \$250.

(F) *Temporary users.* Water furnished to temporary users, such as contractors, circuses, and the like, shall be charged on the basis of the metered gallon rates hereinbefore set forth as estimated and established by the Water Works Superintendent.

(G) *Turn-on fees.* After any water service is discontinued to any property serviced by the water works for any reason, whether at the request of the consumer or because of failure to pay water bills, there shall be imposed a fee of \$25 for turning on the water service.

(H) *Collection and deferred payment charges.* All bills for water services not paid within 15 days from the due date thereof, as stated in the bills, shall be subject to collection of a deferred payment charge of ten percent.

(Ord. SO WW 1-2003, passed 3-24-2003; Ord. 4-2010, passed 8-9-2010; Ord. 6-2015, passed 9-14-2015)

CHAPTER 53: SEWAGE WORKS

Section

53.01 Sewage works provisions adopted by reference

§ 53.01 SEWAGE WORKS PROVISIONS ADOPTED BY REFERENCE.

The Cambridge City sewage works is presently owned and operated by the Western Wayne Regional Sewage District. Citizens of Cambridge City should refer to and follow all applicable requirements of the Western Wayne Regional Sewage District.

TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC REGULATIONS

71. GENERAL PROVISIONS

72. MOTORIZED BICYCLES

73. TRAFFIC SCHEDULES

74. PARKING SCHEDULES

CHAPTER 70: TRAFFIC REGULATIONS

Section

General Provisions

- 70.001 Short title
- 70.002 Definitions
- 70.003 Words and phrases not defined

Enforcement and Obedience to Traffic Regulations

- 70.015 Authority of Police and Fire Department officials
- 70.016 Required obedience to traffic regulations
- 70.017 Obedience to Police and Fire Department officials
- 70.018 Emergency vehicles
- 70.019 Miscellaneous vehicles and animals

Obedience to Traffic-Control Devices

- 70.030 Signs and signals
- 70.031 No turn signs and lane control markings
- 70.032 Quiet zones
- 70.033 Play streets
- 70.034 Traffic-control signal legend
- 70.035 Pedestrian-control signals
- 70.036 Unauthorized signs

Stopping, Standing, and Parking

- 70.050 Prohibited parking
- 70.051 Hazardous areas
- 70.052 Interference with traffic movement
- 70.053 Time limit parking
- 70.054 Parking meter zones
- 70.055 Passenger zones
- 70.056 Loading zones
- 70.057 Semitractors, semitrailers, and trucks exceeding five tons; parking prohibited
- 70.058 Parking at curb or along edge of roadway
- 70.059 Vehicles for sale, storage, repair, and the like

- 70.060 No-parking places
- 70.061 Limited parking
- 70.062 No parking; snow removal
- 70.063 No parking; street cleaning

Operation of Vehicles

- 70.075 Special stops required
- 70.076 Obstruction of crosswalks and intersections prohibited
- 70.077 Interference with processions prohibited
- 70.078 Funeral processions
- 70.079 Limitations on turning around
- 70.080 Backing
- 70.081 U-turns
- 70.082 No left turn
- 70.083 Driving from alleys, driveways, or garages
- 70.084 Driving on sidewalks prohibited
- 70.085 Clinging to vehicles prohibited
- 70.086 Bicycles and motorcycles
- 70.087 Roller skates, coasters, and toy vehicles
- 70.088 Speed restrictions
- 70.089 Driving on right side of roadway
- 70.090 Passing vehicles
- 70.091 Overtaking vehicles
- 70.092 Overtaking vehicles on the right
- 70.093 Limitations on overtaking on the left
- 70.094 Driving on roadways laned for traffic
- 70.095 Required position and method of turning at intersection
- 70.096 Right-of-way
- 70.097 Vehicle turning left
- 70.098 Through streets
- 70.099 Approach of emergency vehicles
- 70.100 Following Fire Department vehicles
- 70.101 Driving over fire hose
- 70.102 Littering highways prohibited

Pedestrians

- 70.115 Pedestrians subject to traffic-control signals
- 70.116 Right-of-way
- 70.117 Pedestrians crossing roadways

Skateboards, In-Line Skates and Similar Devices

- 70.135 Definitions
- 70.136 Operating skateboard, in-line skates, wheeling or sliding device prohibited
- 70.137 Wheelchair exclusion
- 70.138 Extreme sports facility exclusion
- 70.139 Assumption of risk
- 70.140 Rules regarding operation in non-prohibited areas

- 70.999 Penalty

GENERAL PROVISIONS

§ 70.001 SHORT TITLE.

This chapter may be known and cited as the Traffic Ordinance of the Town of Cambridge City, Indiana. (1981 Code, § 5.164) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985)

§ 70.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public way within a block, generally giving access to the rear of lots or buildings, and not used for general traffic circulation.

BICYCLE. Any device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter.

BUSINESS DISTRICT. The streets, alleys, and public places of the Town of Cambridge City within the area bounded on the north by the north line of North Front Street; on the south by the south line of Church Street; on the east by the east line of Center Street; and on the west by the west line of Jones Street.

CROSSWALK. The portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, and also any portion of a roadway distinctly indicated for pedestrians crossing by lines or other marking on the surface.

DRIVER. Every person who drives, operates, or is in actual physical control of a vehicle.

DRIVEWAY. Every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner, but not by other persons.

EMERGENCY VEHICLE. Police vehicles, vehicles of the Fire Department, ambulances, vehicles carrying a state, county, or municipal officer or employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.

HIGHWAY. The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

INTERSECTION. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

MOTOR VEHICLE. Every vehicle which is self-propelled.

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or officials having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

OFFICIAL TRAFFIC-CONTROL SIGNALS. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed.

PARK. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

PEDESTRIAN. Any person afoot.

PERSON. Every natural person, firm, copartnership, association, or corporation.

POLICE DEPARTMENT. The Marshal and Deputy Marshals of the Town of Cambridge City, but nothing herein shall be construed to deprive any authorized police officer of authority to direct traffic and to make arrests for violations of traffic regulations.

POLICE OFFICER. See ***POLICE DEPARTMENT.***

PRIVATE ROAD. See ***DRIVEWAY.***

RESIDENT DISTRICT. The territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with dwellings or dwellings and buildings in use for business.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway.

ROADWAY. The portion of a street improved, designed, or ordinarily used for vehicular traffic.

SIDEWALK. The portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

STANDING. Any stopping of a vehicle, whether occupied or not.

STOP. A complete cessation of movement.

STOPPING. When prohibited, shall mean any stopping of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer, traffic officer, or traffic-control sign or signal.

STREET. See **HIGHWAY.**

TRAFFIC. Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails.

YIELD RIGHT-OF-WAY. When required by an official sign means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, provided that when the roadway is clear the vehicle may proceed into the intersection.

(1981 Code, § 5.101) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985)

§ 70.003 WORDS AND PHRASES NOT DEFINED.

Whenever any words and phrases used herein are not defined in any ordinance of this town but are defined in the state vehicle traffic laws, those definitions shall be deemed to apply to the words and phrases not defined herein.

(1981 Code, § 5.102) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985)

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS**§ 70.015 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.**

(A) It shall be the duty of the officers of the Police Department, or the officers as are assigned by the Marshal, to enforce all traffic regulations of this town and all of the state vehicle laws applicable to vehicular traffic in this town.

(B) Officers of the Police Department, or the officers as are assigned by the Marshal, are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(C) Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat, or in the immediate vicinity.
(1981 Code, § 5.103) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985)

§ 70.016 REQUIRED OBEDIENCE TO TRAFFIC REGULATIONS.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

(1981 Code, § 5.104) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.017 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.

No person shall wilfully fail or refuse to comply with any lawful order or direction of a police officer.

(1981 Code, § 5.105) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.018 EMERGENCY VEHICLES.

(A) The provisions of this chapter regulating the operation, parking, and standing of vehicles shall apply to emergency vehicles as defined in this chapter, except as follows. A driver when operating any such vehicle in any emergency, except when otherwise directed by a police officer, may:

- (1) Park or stand notwithstanding the provisions of this chapter;

(2) Proceed through a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the prima facie speed limits so long as he or she does not endanger life or property; and/or

(4) Disregard regulations governing direction of movement or turning in specified directions so long as he or she does not endanger life or property.

(B) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his or her reckless disregard of the safety of others.

(1981 Code, § 5.106) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985)

§ 70.019 MISCELLANEOUS VEHICLES AND ANIMALS.

Every person propelling any push cart or riding a bicycle or any animal upon a roadway, and every person driving any animal drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions which, by their very nature, can have no application.

(1981 Code, § 5.107) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

OBEDIENCE TO TRAFFIC-CONTROL DEVICES

§ 70.030 SIGNS AND SIGNALS.

The driver of every vehicle shall obey the instructions of any official traffic-control device placed by direction of the Town Council or the Indiana State Highway Commission, unless otherwise directed by a police officer, subject to the exceptions granted to the driver of an emergency vehicle in this chapter.

(1981 Code, § 5.108) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.031 NO TURN SIGNS AND LANE CONTROL MARKINGS.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized marks, buttons,

or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of the indications.

(1981 Code, § 5.109) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.032 QUIET ZONES.

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle except in an emergency.

(1981 Code, § 5.110) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.033 PLAY STREETS.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then any such driver shall exercise the greatest care in driving upon any street or portion thereof.

(1981 Code, § 5.111) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.034 TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signals exhibiting the words “go,” “caution,” or “stop,” or exhibiting different colored lights successively one at a time, the following colors only shall be used, and the terms and lights shall indicate as follows.

(A) *Green alone or “go.”* Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibits either the turn, but vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time the signal is exhibited. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(B) *Yellow alone or “caution” when shown following the green or “go” signal.* Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if the stop cannot be made in safety a vehicle may be driven cautiously through the intersection. Pedestrians facing the signal are thereby advised that there is insufficient time to cross the roadway and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(C) *Red alone or "stop."* Vehicular traffic facing the signal shall stop before entering in the nearest crosswalk at an intersection or at the other point as may be indicated by a clearly visible line, and shall remain standing until green or "go" is shown alone. No pedestrian facing the signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic. (1981 Code, § 5.112) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985)

§ 70.035 PEDESTRIAN-CONTROL SIGNALS.

Whenever special pedestrian-control signals exhibiting the words "Walk," or "Wait," or "Don't Walk" are in place, the signals shall indicate as follows.

(A) *"Walk."* Pedestrians facing the signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(B) *"Wait" or "Don't Walk."* No pedestrian shall start to cross the roadway in the roadway in the direction of the signal, but any pedestrian who has partially completed his or her crossing on the walk signal shall proceed to a sidewalk or safety island while the "Wait" or "Don't Walk" signal is showing. (1981 Code, § 5.113) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985)

§ 70.036 UNAUTHORIZED SIGNS.

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person, place, maintain, or display upon or in view of any highway any other sign which hides from view or interferes with the movement of traffic or the effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any control-device or signal bearing thereon any commercial advertising. Any such unauthorized device is hereby declared to be a nuisance, and may be removed by any police officer. (1981 Code, § 5.114) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

STOPPING, STANDING, AND PARKING**§ 70.050 PROHIBITED PARKING.**

When signs prohibiting parking are erected on any streets, no person shall park a vehicle in any such designated place.

(1981 Code, § 5.115) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.051 HAZARDOUS AREAS.

When signs are erected upon approach to hazardous or congested places, no person shall stop, stand, or park a vehicle in any such designated place.

(1981 Code, § 5.116) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.052 INTERFERENCE WITH TRAFFIC MOVEMENT.

(A) No person shall stop, stand, or park any vehicle upon a street in such a manner or under the conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or, when necessary, in obedience to traffic regulations or traffic signs or signals or a police officer.

(B) No person shall park a vehicle within an alley in such a manner or under the conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic. (1981 Code, § 5.117) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.053 TIME LIMIT PARKING.

Where signs are erected giving notice thereof, no person shall park a vehicle for longer than the time permitted by the signs, nor for longer than one hour continuously during any two-hour period and two hours continuously during any three-hour period, between the hours of 7:00 a.m. and 6:00 p.m., local time, of any day except Sundays and holidays.

(1981 Code, § 5.118) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.054 PARKING METER ZONES.

No person shall park any vehicle or permit a vehicle to remain parked, in any parking meter zone which has been or may from time to time be established by ordinance for a period longer than designated on the meter, between the hours designated; or to park a vehicle in any such zone without paying the fee designated by ordinance; or to permit a vehicle to remain parked longer in any such zone than for the period for which the fee was paid.

(1981 Code, § 5.119) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.055 PASSENGER ZONES.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger zone during hours when the regulations applicable to the passenger zone are effective, and then only for a period not to exceed three minutes.

(1981 Code, § 5.120) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.056 LOADING ZONES.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during hours when the provisions applicable to loading zones are in effect. In no case shall the stop for loading or unloading of materials exceed 30 minutes.

(1981 Code, § 5.121) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.057 SEMITRACTORS, SEMITRAILERS, AND TRUCKS EXCEEDING FIVE TONS; PARKING PROHIBITED.

It shall be unlawful for any person to stop, stand, or park a semitractor, semitrailer, or truck exceeding five tons upon any residential property or upon any street, alley, or other public way in the town, except that this provision shall not prevent the driver of the vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading, unloading, pickup, or delivery of cargo.

(1981 Code, § 5.122) (Ord. 2-1996, passed 9-23-1996) Penalty, see § 10.99

§ 70.058 PARKING AT CURB OR ALONG EDGE OF ROADWAY.

(A) No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway, except as provided below.

(B) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by the mark or signs, with the front of the vehicle headed toward the curb; except that in places where and at hours when stopping for the loading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads.

(C) No vehicle shall be parked in the business district where parking is parallel to the curb when the vehicle will not fit into the marked parking space for one vehicle; where angle parking is designated, no vehicle shall be parked into a parking space so marked that is longer than the average passenger vehicle, unless the parking be only for the purpose of loading or unloading of passengers or cargo. (1981 Code, § 5.123) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.059 VEHICLES FOR SALE, STORAGE, REPAIR, AND THE LIKE.

No person shall stand or park a vehicle upon any roadway for the principal purpose of storing it, displaying it for sale, or for washing, greasing, or repairing the vehicle, except repairs necessitated by an emergency.

(1981 Code, § 5.124) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.060 NO-PARKING PLACES.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (A) On a sidewalk;
- (B) In front of a public or private driveway;
- (C) Within an intersection;
- (D) Within 15 feet of a fire hydrant;
- (E) On a crosswalk;

(F) Within 20 feet of a crosswalk at an intersection;

(G) Along or opposite any street excavation or obstruction when the stopping, parking, or standing would obstruct traffic;

(H) On a roadway side of any vehicle stopped or parked at the edge or curb of a street;

(I) Upon any bridge or elevated structure upon a highway or within a highway tunnel; and/or

(J) At any place where official signs prohibit stopping.

(1981 Code, § 5.125) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.061 LIMITED PARKING.

No person shall park any vehicle on any street in this town for a period of more than seven consecutive days, except in a place signed for a longer period.

(1981 Code, § 5.126) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.062 NO PARKING; SNOW REMOVAL.

No person shall park any vehicle on Main Street between the hours of 12:00 a.m. and 6:00 a.m., local time, during the period of a snow removal emergency declared by the President of the Town Council.

(1981 Code, § 5.127) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.063 NO PARKING; STREET CLEANING.

No person shall park any vehicle on any public street or portion thereof in the town at any time when the street is being cleaned. Signs indicating that a street or portion thereof is being cleaned shall be posted immediately before the cleaning of the street, and shall be removed after the cleaning of the street is finished.

(1981 Code, § 5.128) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

OPERATION OF VEHICLES**§ 70.075 SPECIAL STOPS REQUIRED.**

(A) *Through streets.* The streets and parts of streets of the town designated by ordinance as through streets are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by a police officer or traffic-control signal.

(B) *One-way streets or alleys.* No driver shall operate any vehicle on any street or alley designated as a one-way street or alley by ordinance, in any direction other than that so designated.

(C) *Stop streets.* When stop signs are erected upon streets intersecting a through street at the entrances thereto or at the entrance of or to any intersection, every driver of a vehicle shall stop at every such sign or at a clearly marked stop line before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

(D) *Dangerous railroad grade crossings.* When stop signs are erected upon a street or highway right-of-way approaching a designated dangerous railroad grade crossing, the driver of any vehicle shall stop within 50 feet but not less than ten feet from the nearest track of the grade crossing and shall proceed only upon exercising due care.

(E) *Posting signs.* The Police Department, or any other person designated by the Town Council, shall post or cause to be posted suitable signs for all the through streets, one-way streets or alleys and stop intersections, and dangerous railroad grade crossings.

(1981 Code, § 5.129) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.076 OBSTRUCTION OF CROSSWALKS AND INTERSECTIONS PROHIBITED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(1981 Code, § 5.130) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.077 INTERFERENCE WITH PROCESSIONS PROHIBITED.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this subchapter.

(1981 Code, § 5.131) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.078 FUNERAL PROCESSIONS.

(A) Funeral processions may be assembled upon the streets of the town without regard to other provisions of this chapter under direction of the Marshal or his or her Deputy, when requested by a funeral director. Permission is hereby granted any funeral director to place “no parking” signs along the street in front of and adjacent to his or her place of business, for the purpose of assembling the procession, for a period of time of not more than two hours prior to the time set for the funeral, after notice to the Town Marshal.

(B) A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant of a type designated by the Traffic Division of the Police Department.

(C) Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and following the vehicle ahead as close as is practical and is safe.

(1981 Code, § 5.132) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.079 LIMITATIONS ON TURNING AROUND.

The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless the movement can be made in safety and without interfering with other traffic.

(1981 Code, § 5.133) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.080 BACKING.

The driver of a vehicle shall not back the same into an intersection or over a crosswalk and shall not in any event or at any place back a vehicle unless the movement can be made in safety.

(1981 Code, § 5.134) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.081 U-TURNS.

The driver of any vehicle shall not make a U-turn at any place where the turns are prohibited. (1981 Code, § 5.135) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.082 NO LEFT TURN.

The driver of any vehicle shall not turn left at any place where the turns are prohibited. (1981 Code, § 5.136) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.083 DRIVING FROM ALLEYS, DRIVEWAYS, OR GARAGES.

The driver of a vehicle emerging from an alley, driveway, or building shall stop the vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. (1981 Code, § 5.137) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.084 DRIVING ON SIDEWALKS PROHIBITED.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. (1981 Code, § 5.138) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.085 CLINGING TO VEHICLES PROHIBITED.

Any person riding upon any bicycle, motorcycle, sled, roller skates, or any toy vehicle shall not attach the same or himself or herself to any moving vehicle upon any roadway. (1981 Code, § 5.139) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.086 BICYCLES AND MOTORCYCLES.

The operator of a motorcycle, motor scooter, or bicycle when upon a street shall not carry any other person upon the handlebar, frame, or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

(1981 Code, § 5.140) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.087 ROLLER SKATES, COASTERS, AND TOY VEHICLES.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and except upon streets set aside as play streets when and as authorized by ordinance of this town.

(1981 Code, § 5.141) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.088 SPEED RESTRICTIONS.

(A) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

(B) Where no special hazard exists, the following speeds shall be lawful, unless otherwise posted, but any speed in excess of the limits shall be a prima facie evidence that the speed is not reasonable or prudent and is unlawful:

- (1) Twenty mph in any business district; and
- (2) Thirty mph in any residence district.

(C) The fact that the speed of a vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(D) The foregoing provisions of this section shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

(1981 Code, § 5.142) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.089 DRIVING ON RIGHT SIDE OF ROADWAY.

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(A) When overtaking and passing another vehicle proceeding in the same direction under the rules governing the movement;

(B) When the right half of the roadway is closed to traffic while under construction or repair;

(C) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;
or

(D) Upon a roadway designated and signposted for one-way traffic.

(1981 Code, § 5.143) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.090 PASSING VEHICLES.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(1981 Code, § 5.144) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.091 OVERTAKING VEHICLES.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated.

(A) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right of the roadway until safely clear of the overtaken vehicle.

(B) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(1981 Code, § 5.145) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.092 OVERTAKING VEHICLES ON THE RIGHT.

(A) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

(B) The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when the movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

(1981 Code, § 5.146) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.093 LIMITATIONS ON OVERTAKING ON THE LEFT.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(1981 Code, § 5.147) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.094 DRIVING ON ROADWAYS LANED FOR TRAFFIC.

Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply.

(A) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until the driver can first ascertain that the movement can be made with safety.

(B) Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of the allocation.

(C) Official signs may be erected directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

(1981 Code, § 5.148) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.095 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION.

The driver of a vehicle intending to turn at an intersection shall do as follows:

(A) Both the approach for a right-hand turn and the turn itself shall be made as close as practical to the right-half curb or edge of the roadway;

(B) Approach for a left-hand turn shall be made in that portion of the right half of the roadway nearest the center line thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered; and

(C) Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

(1981 Code, § 5.149) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985)

§ 70.096 RIGHT-OF-WAY.

(A) The driver of as vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(B) When two vehicles enter an intersection from different highways at the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(C) The foregoing rules are modified at through highways and otherwise as hereinafter stated in this subchapter.

(1981 Code, § 5.150) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.097 VEHICLE TURNING LEFT.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but the driver having so yielded and having given a signal when and as required by this subchapter, may make the left turn, and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

(1981 Code, § 5.151) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.098 THROUGH STREETS.

(A) The driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway, or which are approaching so closely on the highway as to constitute an immediate hazard, but the driver, having so yielded, may proceed, and the drivers of all other vehicles approaching the intersection on the through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.

(B) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway, and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed. (1981 Code, § 5.152) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.099 APPROACH OF EMERGENCY VEHICLES.

(A) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway, clear of any intersection, and shall stop and remain in the position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(B) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (1981 Code, § 5.153) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.100 FOLLOWING FIRE DEPARTMENT VEHICLES.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1981 Code, § 5.154) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.101 DRIVING OVER FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street, private driveway, or elsewhere, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

(1981 Code, § 5.155) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.102 LITTERING HIGHWAYS PROHIBITED.

(A) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or other substance likely to injure any person, animal, or vehicle upon the highway.

(B) Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(C) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

(1981 Code, § 5.156) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

PEDESTRIANS**§ 70.115 PEDESTRIANS SUBJECT TO TRAFFIC-CONTROL SIGNALS.**

Pedestrians shall be subject to traffic-control signals at intersections as heretofore declared in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions as hereinafter stated.

(1981 Code, § 5.157) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985)

§ 70.116 RIGHT-OF-WAY.

(A) Where traffic-control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this subchapter.

(B) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at any intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(1981 Code, § 5.158) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

§ 70.117 PEDESTRIANS CROSSING ROADWAYS.

(A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway, where the crossings provided are overhead or tunnel crossings.

(C) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(D) Notwithstanding the provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrians upon any roadway and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(1981 Code, § 5.159) (Ord. 2-1971, passed 12-13-1971; Ord. 2-1977, passed 3-14-1977; Ord. 3-1984, passed 4-23-1984; Ord. 5-1984, passed 9-24-1984; Ord. 2-1985, passed 8-12-1985) Penalty, see § 10.99

SKATEBOARDS, IN-LINE SKATES AND SIMILAR DEVICES

§ 70.135 DEFINITIONS.

For purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NON-PROHIBITED AREAS. The sidewalks and public parking lots not named within the prohibited area below and located within the town.

PROHIBITED AREA. Any sidewalk, street, or other public property of any nature located along U.S. 40 and within the area one block north and one block south therefrom, and continuing from the eastern most municipal boundary to the western most municipal boundary.

RECKLESS or HAZARDOUS OPERATION. Operation of a skateboard, wheeling or sliding device in a manner such that the wheels of a wheeling device leave the ground or that the skateboard or sliding device is separated from the ground at the same time (i.e. airborne). It is further defined to mean the use of disability ramps, steps, walls, retention walls, doors, handrails, planters, curb or gutter edges, barriers and barricades, benches, picnic tables, sculptures, stages, platforms, playground equipment or any other structure which is not intended for pedestrian or vehicular traffic, jumping or stepping on or off such devices or structures using wheeled equipment, or in a manner that is likely to cause damage to property or to cause personal injury or failing to yield the right-of-way to or otherwise interfere with pedestrian traffic.

SKATEBOARD. A foot board mounted upon four or five wheels and usually propelled by the user who sometimes stands, sits, kneels or lies upon the device while it is in motion.

SKATE PARK or EXTREME SPORTS FACILITY. A park or facility constructed by the town or the Department of Parks and Recreation of the town for a specific purpose, which includes the use and operation of skateboards, in-line skates, or any other wheeling or sliding device. The town currently has no such park or facility and the town may never construct one.

WHEELING OR SLIDING DEVICES. Include, but are not limited to, skateboards, roller skates, in-line skates or any other device containing wheels which can be ridden on or otherwise utilized by an individual or individuals in order to move about other than walking. A traditional bicycle or motorized bicycle shall not be included in this definition, and the use of the same shall be governed by §§ 70.075 through 70.102.

(Ord. 3-2008, passed 4-14-2008)

§ 70.136 OPERATING SKATEBOARD, IN-LINE SKATES, WHEELING OR SLIDING DEVICE PROHIBITED.

Operating a skateboard, in-line skates, wheeling or sliding device shall be prohibited as follows:

(A) Any operation shall be prohibited in the prohibited area.

(B) The reckless or hazardous operation of any skateboard, wheeling or sliding device shall be prohibited in the non-prohibited areas.

(C) On any and all private property unless approved and allowed by the owner of the private property.

(Ord. 3-2008, passed 4-14-2008) Penalty, see § 70.999

§ 70.137 WHEELCHAIR EXCLUSION.

Notwithstanding the definition of skateboard, wheeling or sliding device, nothing in this subchapter shall prohibit the use of a wheelchair, a stroller, or similar devices, for the purpose of helping an elderly, disabled individual, infant, or other individual needing assistance in moving from place to place. (Ord. 3-2008, passed 4-14-2008)

§ 70.138 EXTREME SPORTS FACILITY EXCLUSION.

The provisions of this subchapter shall not apply to a skate park or extreme sports facility which may be operated by the town or by the Department of Parks and Recreation of the town. (Ord. 3-2008, passed 4-14-2008)

§ 70.139 ASSUMPTION OF RISK.

The use and operation of skateboards, in-line skates, or any other wheeling or sliding device are hazardous recreational activities, and the use of any skate park or extreme sports facility, or the use of any skateboards, in-line skates, or any other wheeling or sliding device may result in serious injuries or death. Each person using any such facility or operating any such device assumes all risk of injury, death, or damages. All individuals using any skate park or extreme sports facility, or operating skateboards, in-line skates, or any other wheeling or sliding device in a non-prohibited area must wear appropriate safety helmets, elbow pads and knee pads at all times. (Ord. 3-2008, passed 4-14-2008) Penalty, see § 70.999

§ 70.140 RULES REGARDING OPERATION IN NON-PROHIBITED AREAS.

In non-prohibited areas or any skate park or extreme sports facility, in the event that one is operated in the future by the town or by the Department of Parks and Recreation of the town ("Department"), the following rules shall apply:

(A) It shall be unlawful and a violation of this chapter for any person to:

(1) Place or utilize obstacles or other materials within any non-prohibited areas or any skate park or extreme sports facility that are not affixed to by the town or Department for recreational purposes;

(2) Enter any skate park or extreme sports facility for purposes other than skateboarding, in-line skating or assisting a skateboarder or in-line skater;

(3) Operate any skateboard, in-line skates, or any other wheeling or sliding device while under the influence of alcohol or drugs that would impair a person's judgment or motor skills or to possess any can, bottle or other receptacle containing any alcoholic beverage (as the term *ALCOHOLIC BEVERAGE* is defined by Indiana Code);

(4) Operate any skateboard, in-line skates, or any other wheeling or sliding device in a reckless manner or with willful disregard for the safety of persons or property, or to cause such items to be ridden or used in such a manner;

(5) Fail to yield the right-of-way to all pedestrians;

(6) Engage in reckless or boisterous behavior or any other activity that could endanger the safety of other persons using the non-prohibited areas or any skate park or extreme sports facility;

(7) Ride, operate or utilize any device other than a skateboard or in-line skates, including but not limited to, bicycles, unicycles, scooters, go-carts and wagons on the skating surface of any skate park facility or to cause such items to be ridden or used on the skating surface of the facility;

(8) Allow or cause graffiti or tagging in, on or around any part of the non-prohibited areas or any skate park or extreme sports facility;

(9) Deposit or leave garbage cans, bottles, papers or waste or refuse of any kind in a location other than a receptacle provided for such purpose, or to cause such items to be deposited or left in such manner. If no receptacle is provided, each person shall be responsible for removing and disposing of such items in an appropriate manner;

(10) Allow or cause any animal of any kind to be brought into the skate park facility with the exception of service animals;

(11) Allow an activity, event or competition to take place in the non-prohibited areas or any skate park or extreme sports facility without the express written permission of the town or Department;

(12) Allow or cause glass containers of any kind to be brought into the non-prohibited areas or any skate park or extreme sports facility;

(13) Modify, alter or add to any portion of the non-prohibited areas or any skate park or extreme sports facility in any manner without the written permission of the Department; or

(14) Engage in skate activities on surfaces, equipment or obstacles not installed for that purpose. No skate activity is permitted on walls or other boundary structures or seating areas immediately surrounding or adjoining the non-prohibited areas or any skate park or extreme sports facility.

(B) The town and/or the Department is authorized to post additional rules necessary for the safe operation in any non-prohibited areas or skate park or extreme sports facility and shall establish hours of operation for the facility.

(Ord. 3-2008, passed 4-14-2008) Penalty, see § 70.999

§ 70.999 PENALTY.

(A) (1) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(2) Notwithstanding the penalty set forth immediately above, any traffic violation may be prosecuted pursuant to Indiana law in any court of competent jurisdiction, and shall be subject to any applicable fines, costs, and penalties prescribed by Indiana law.

(B) (1) Any person found in violation of §§ 70.135 through 70.140 may have his or her skateboard, in-line skates, or wheeling or sliding device confiscated immediately by the Town Marshal or any officer of the Cambridge City Police Department acting in his or her official capacity.

(a) The confiscated device shall be held for a maximum of 60 days, after which it may be sold pursuant to the law governing surplus property, or destroyed.

(b) The individual who owns any confiscated device shall have the right to repossess the device upon proof of payment of any fine and other cost for which the individual is responsible as a result of having violated the provisions set forth in §§ 70.135 through 70.140, provided that proof is offered to the town within the 60 days.

(2) An individual operating a skateboard, in-line skates, or wheeling or sliding device in violation of any of the provisions contained herein shall be subject to a fine of not less than \$50 and not more than \$250 per violation.

(a) Payment of the fine shall be due withing 30 days from the date the fine is assessed; however, such individual shall be entitled to a notice of the assessment date specifying when payment of the fine is due.

(b) In the event a violator fails to pay a fine when due, such failure to pay shall result in a \$25 late fee being assessed to the violator. Any individual violator of §§ 70.135 through 70.140 who is under 18 years of age must disclose to the Town Marshal or other enforcing authority the names, addresses, and phone numbers of their parents or legal guardian.

(3) The authority for enforcing §§ 70.135 through 70.140 shall be with the Cambridge City Police Department and, if applicable, the Ordinance Violation Bureau.

(Ord. 3-2008, passed 4-14-2008; Ord. 8-2008, passed 12-8-2008)

CHAPTER 71: GENERAL PROVISIONS

Section

Bicycle Regulations

- 71.01 Definition
- 71.02 Traffic laws apply to persons riding bicycles
- 71.03 Obedience to traffic-control devices
- 71.04 Riding on bicycles
- 71.05 Riding on roadways and bicycle paths
- 71.06 Speed
- 71.07 Emerging from alley or driveway
- 71.08 Carrying articles
- 71.09 Parking
- 71.10 Riding on sidewalks
- 71.11 Lamps and other equipment on bicycles
- 71.12 Effect of regulations

Traffic Regulations on School Property

- 71.25 Application of traffic regulations
- 71.26 Speed restrictions

- 71.99 Penalty

BICYCLE REGULATIONS

§ 71.01 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BICYCLE. Any device propelled by human power upon which any person may ride having two tandem wheels either of which is more than 20 inches in diameter.
(1981 Code, § 5.201) (Ord. 4-1964, passed 10-12-1964)

§ 71.02 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of the town applicable to the driver of a vehicle, except as to special regulations in this subchapter and except as to those provisions of laws and ordinances which by their nature can have no application.

(1981 Code, § 5.202) (Ord. 4-1964, passed 10-12-1964)

§ 71.03 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(B) Whenever authorized signs are erected indicating that no right, left, or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except when the person dismounts from the bicycle to make any such turn, in which event the person shall then obey the regulations applicable to pedestrians.

(1981 Code, § 5.203) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

§ 71.04 RIDING ON BICYCLES.

(A) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(B) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(1981 Code, § 5.204) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

§ 71.05 RIDING ON ROADWAYS AND BICYCLE PATHS.

(A) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(C) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the paths and shall not use the roadway.

(1981 Code, § 5.205) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

§ 71.06 SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(1981 Code, § 5.206) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

§ 71.07 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(1981 Code, § 5.207) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

§ 71.08 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

(1981 Code, § 5.208) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

§ 71.09 PARKING.

A bicycle may be parked upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

(1981 Code, § 5.209) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

§ 71.10 RIDING ON SIDEWALKS.

(A) No person shall ride a bicycle upon a sidewalk within the Central Business District.

(B) The Town Council is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when the signs are in place no person shall disobey the same.

(C) No person 15 or more years of age shall ride a bicycle upon any sidewalk in any district, except when operating the bicycle in the course of his or her business, trade, or employment.

(D) Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.

(1981 Code, § 5.210) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

§ 71.11 LAMPS AND OTHER EQUIPMENT ON BICYCLES.

(A) Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(B) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(C) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(1981 Code, § 5.211) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

§ 71.12 EFFECT OF REGULATIONS.

(A) It is a violation for any person to do any act forbidden or fail to perform any act required in this subchapter.

(B) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this subchapter.

(C) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

(1981 Code, § 5.212) (Ord. 4-1964, passed 10-12-1964) Penalty, see § 10.99

TRAFFIC REGULATIONS ON SCHOOL PROPERTY**§ 71.25 APPLICATION OF TRAFFIC REGULATIONS.**

Every person operating a vehicle upon the property of the Western Wayne Schools located in the town shall be subject to the traffic regulations applicable to the driver of any vehicle, except those provisions which, by their very nature, can have no application.

(1981 Code, § 5.301) (Ord. 5-1977, passed 10-24-1977)

§ 71.26 SPEED RESTRICTIONS.

(A) No person shall drive a vehicle upon the property of the Western Wayne Schools in the Town of Cambridge City at a speed greater than is reasonable and prudent under the conditions then existing.

(B) Where no special hazard exists, the following speeds shall be lawful, unless otherwise posted, but any speed in excess of the limits shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful:

- (1) Fifteen mph upon the Lincoln High School and Parkway Junior High School property; and
- (2) Five mph upon the Central Elementary School property.

(C) The fact that the speed of a vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance.

(D) The foregoing provisions shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident. (1981 Code, § 5.302) (Ord. 5-1977, passed 10-24-1977) Penalty, see § 10.99

§ 71.99 PENALTY.

(A) The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.

(B) Notwithstanding the penalty set forth immediately above, any traffic violation may be prosecuted pursuant to Indiana law in any court of competent jurisdiction, and shall be subject to any applicable fines, costs, and penalties prescribed by Indiana law. (Ord. 8-2008, passed 12-8-2008)

CHAPTER 72: MOTORIZED BICYCLES

Section

General Provisions

72.01 Definitions

Registration and License Requirements

72.15 Registration; license

72.16 Application

72.17 Term of license

72.18 Loss, sale, or destruction of motorized bicycle or golf cart; surrender of license

72.19 Loss of license plate or sticker

Rules for Riding and Operating

72.30 Riding abreast

72.31 Clinging to vehicles

72.32 Extra passenger

72.33 Emerging from alleys, driveways, and garages

72.34 Intoxication, drugs, or physical inability

72.35 Lights

72.36 Mechanical condition

72.37 Operating on sidewalks

72.38 Parking

72.39 Right; keep to

72.40 Signaling devices

72.41 Speed

72.42 Traffic regulations

72.43 Trick riding

72.44 Turns; starting; stopping

Other Provisions

72.55 Inspection

72.56 Removal of serial number or license plate or sticker

72.57 Use of motorized bicycle or golf cart without consent of owner

72.58 Motorized bicycle or golf cart without serial number

- 72.59 Enforcement of provisions
- 72.60 Suspension; revocation

- 72.99 Penalty

GENERAL PROVISIONS

§ 72.01 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GOLF CART. The same type of vehicle as set forth above for a ***MOTORIZED BICYCLE***, except for the fact it may have "four" wheels; may run on an electric engine; and may or may not include an "automatic" transmission. The above exclusions relative to a "motorized bicycle" shall also apply herein.

LICENSEE. Any person who procures from the Clerk-Treasurer a license plate or a sticker for a motorized bicycle, together with a registration card accompanying same.

LICENSE PLATE or ***STICKER.*** A metal plate or tag or plastic adhesive sticker issued by the Clerk-Treasurer bearing the license number.

MOTORIZED BICYCLE.

(1) Also known as a scooter or moped, means any two- or three-wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor, or by both, and if powered by an internal combustion engine, has the following:

(a) An engine rating of not more than two horsepower and a cylinder capacity not exceeding 50 cubic centimeters;

(b) An automatic transmission; and

(c) A maximum design speed of no more than twenty-five (25) miles per hour on a flat surface.

(2) For purposes of clarification, any ***MOTORIZED BICYCLE*** which exceeds the above specifications shall be considered a motorcycle required to be registered by the state bureau of motor vehicles.

(3) This definition shall not include an electric personal assistive mobility device presently defined in I.C. 9-13-2-49.3. This definition shall also not include an off-road vehicle, otherwise known as all-terrain vehicle (ATV), presently defined in I.C. 14-8-2-185, and required to be registered by the Department of Natural Resources under I.C. 14-16-1.

OPERATE. The use, putting into action, or causing to function of a motorized bicycle by a person mounted thereon.

(B) In addition to the above definitions, any applicable definitions of the traffic and bicycle ordinances of the town shall be deemed to be included herein. (1981 Code, § 5.801) (Ord. 1-1985, passed 8-12-1985; Ord. 1-2011, passed 1-10-2011; Ord. 5-2012, passed 11-14-2014)

REGISTRATION AND LICENSE REQUIREMENTS

§ 72.15 REGISTRATION; LICENSE.

It shall be unlawful for any person to operate a motorized bicycle or golf cart upon any street, alley, or other public place in the town without having first registered the motorized bicycle or golf cart and secured a license therefor.

(1981 Code, § 5.802) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.16 APPLICATION.

(A) Application for registration and license for a motorized bicycle or golf cart shall be made by the owner in writing, in duplicate, upon blank forms furnished by the Clerk-Treasurer.

(B) The application shall be signed by the owner, and if the owner is a person under 18 years of age, the signature shall be witnessed by a parent of the owner; or if no parent is living, then by the legal guardian of the owner; the application shall state the full name and address of the owner of the motorized bicycle or golf cart, the name of the manufacturer, the serial number of the frame thereof, the approximate date when the owner obtained title thereto, and if not new when obtained, the name and address of the person from whom it was obtained. Under no circumstances shall a permit be issued to an owner or applicant under the age of 16 years. Under no circumstances shall a permit be issued to an owner or applicant for the use of a golf cart, unless such person has proof of a valid driver's license and proof of existing insurance relative to their use of the motorized bicycle and/or golf cart.

(C) The application shall be presented to the Town Marshal. The motorized bicycle or golf cart to be registered and licensed shall be brought to the police station at the time of presenting the application for the purpose of examination.

(D) The Town Marshal or some person authorized by him or her shall examine the motorized bicycle or golf cart, and if he or she finds the mechanical condition thereof such that it can be safely operated, and that it is equipped with the lights and attachments as herein provided, and further finds that the statements made in the application are true, he or she shall mark the application and duplicate "approved," attach his or her signature, and return the same to the applicant. This applicant shall thereupon file the application with the Clerk-Treasurer, and pay a license fee of \$5. This applicant shall thereupon fill the application with the Clerk-Treasurer and pay an annual license fee of \$25.

(E) The Clerk-Treasurer shall, upon receiving the application and license fee, issue to the owner of the motorized bicycle or golf cart a registration card which shall contain the name and address of the owner and the description of the motorized bicycle or golf cart contained in the application. The applicant shall affix his or her signature to the registration card when issued in the presence of the Clerk-Treasurer, who shall, with the certificate, also issue to the owner a license plate or sticker which shall contain the words "Cambridge City," and the number of the license and indicate the year of issuance. The registration card and the license plate or sticker shall have the same number. The license plate or sticker shall be attached to the motorized bicycle or golf cart so that it is plainly visible from the rear and shall be kept reasonably clean at all times.

(F) After the issuance of the registration card and plate or sticker, the Clerk-Treasurer shall endorse upon the application, and the duplicate, the date of issuance and the number thereof; the original application shall be kept on file in the office of the Clerk-Treasurer and the duplicate thereof shall be delivered to the Town Marshal, and shall be kept on file in his or her office.

(1981 Code, § 5.803) (Ord. 1-1985, passed 8-12-1985; Ord. 7-2008, passed 12-8-2008; Ord. 1-2011, passed 1-10-2011; Ord. 5-2012, passed 11-14-2014)

§ 72.17 TERM OF LICENSE.

The license so issued shall be effective for one year. The license year shall be from January 1 to December 31.

(1981 Code, § 5.804) (Ord. 1-1985, passed 8-12-1985)

§ 72.18 LOSS, SALE, OR DESTRUCTION OF MOTORIZED BICYCLE OR GOLF CART; SURRENDER OF LICENSE.

When any motorized bicycle or golf cart which has been registered and licensed, as herein provided, is sold, or is otherwise disposed of, or destroyed, the licensee shall immediately surrender to the Town Marshal the registration card and the license plate or sticker issued therefor, with the name and address of the new owner, if any, written on the face of the registration card; and the Town Marshal shall

immediately make proper endorsements thereof on his or her records and deliver the card and plate or sticker to the Clerk-Treasurer, who shall immediately make proper endorsements on his or her records, retain the card and plate or sticker, and issue a new card and plate or sticker to the new owner for a fee of \$2.50. The number of any license surrendered as provided in this section shall not be reissued. (1981 Code, § 5.805) (Ord. 1-1985, passed 8-12-1985; Ord. 7-2008, passed 12-8-2008; Ord. 5-2012, passed 11-14-2014)

§ 72.19 LOSS OF LICENSE PLATE OR STICKER.

The licensee shall report immediately to the Town Marshal the loss or destruction of the license plate or sticker of the licensee, and the circumstances surrounding the loss or destruction thereof. With the approval of the Town Marshal, the Clerk-Treasurer shall issue a duplicate license plate or sticker upon payment of a fee of \$2.50. (1981 Code, § 5.806) (Ord. 1-1985, passed 8-12-1985; Ord. 7-2008, passed 12-8-2008)

RULES FOR RIDING AND OPERATING

§ 72.30 RIDING ABREAST.

When more than two persons in a group are operating motorized bicycles on a roadway, they shall ride single file. (1981 Code, § 5.807) (Ord. 1-1985, passed 8-12-1985) Penalty, see § 10.99

§ 72.31 CLINGING TO VEHICLES.

No person operating a motorized bicycle or golf cart shall cling or attach himself or herself, or the motorized bicycle or golf cart, to any other moving vehicle. (1981 Code, § 5.808) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.32 EXTRA PASSENGER.

No person operating a motorized bicycle shall carry another person on the motorized bicycle. (1981 Code, § 5.809) (Ord. 1-1985, passed 8-12-1985) Penalty, see § 10.99

§ 72.33 EMERGING FROM ALLEYS, DRIVEWAYS, AND GARAGES.

The operator of a motorized bicycle or golf cart emerging from an alley, driveway, garage, or private sidewalk, shall yield the right-of-way to pedestrians when riding onto or across a public sidewalk, or onto or across a public sidewalk line projected across an alley, and shall exercise extreme care in making the movements.

(1981 Code, § 5.810) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.34 INTOXICATION, DRUGS, OR PHYSICAL INABILITY.

No person shall operate a motorized bicycle or golf cart while under the influence of liquor, or drugs, or while physically or mentally unfit to safely operate the same.

(1981 Code, § 5.811) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.35 LIGHTS.

No motorized bicycle or golf cart shall be operated within the period from sunset to sunrise without having a properly lighted headlight attached to the front of the motorized bicycle or golf cart, visible under normal atmospheric conditions from the front thereof, a distance of not less than 300 feet, nor without having a red light or a reflector attached to the rear of the motorized bicycle or golf cart, which is clearly visible in the headlight beam of a motor vehicle for a distance of not less than 200 feet to the rear of the motorized bicycle or golf cart.

(1981 Code, § 5.812) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.36 MECHANICAL CONDITION.

No person shall operate a motorized bicycle or golf cart which is not in the mechanical condition so that it can be safely operated.

(1981 Code, § 5.813) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.37 OPERATING ON SIDEWALKS.

No motorized bicycle or golf cart shall be operated upon any public sidewalk in the town.

(1981 Code, § 5.814) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.38 PARKING.

A motorized bicycle or golf cart may be parked upon the sidewalk in a rack to support the vehicle or against a building or at the curb, in the manner as to afford the least obstruction to pedestrian traffic. No person other than the owner or operator shall move, or in any manner interfere with, any motorized bicycle or golf cart properly parked, nor shall any person interfere or in any manner hinder any person from properly parking a motorized bicycle or golf cart, except that members of the Police Department and Fire Department may move, or in proper cases, prevent the parking of the motorized bicycle or golf cart, when, in the judgment of the police officer or firefighter, his or her action is necessary in order to properly safeguard persons or property.

(1981 Code, § 5.815) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.39 RIGHT; KEEP TO.

All motorized bicycles or golf carts when operated on roadways shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

(1981 Code, § 5.816) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.40 SIGNALING DEVICES.

Each motorized bicycle or golf cart shall be equipped with a signaling device in good working order and audible at a distance of 50 feet when sounded.

(1981 Code, § 5.817) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.41 SPEED.

No motorized bicycle or golf cart shall be operated at any time faster than is reasonable or proper, and every motorized bicycle or golf cart shall be operated with reasonable regard to the safety of the rider and of other persons and property.

(1981 Code, § 5.818) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.42 TRAFFIC REGULATIONS.

Every person operating a motorized bicycle or golf cart shall strictly observe all traffic signs and signals and all other traffic rules and regulations, applicable thereto, and shall obey the orders and directions of every officer of the town authorized to direct or regulate traffic.

(1981 Code, § 5.819) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.43 TRICK RIDING.

No person shall, while operating a motorized bicycle or golf cart, indulge or engage in any kind of trick or unsafe riding.

(1981 Code, § 5.820) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.44 TURNS; STARTING; STOPPING.

The operator of a motorized bicycle or golf cart on a roadway, when making a right turn, shall follow the right-hand edge of the roadway, and the operator of a motorized bicycle or golf cart on a roadway when making a left turn shall approach the point of turning in the traffic lane nearest the center of the roadway. No operator of a motorized bicycle or golf cart shall start, slow down, stop, or attempt to turn without first indicating the movement as provided by law.

(1981 Code, § 5.821) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

OTHER PROVISIONS**§ 72.55 INSPECTION.**

Any member of the Police Department is authorized to inspect any motorized bicycle or golf cart, at any reasonable time, for the purpose of making a checkup of the license plate or sticker and license number, serial number, and for the purpose of determining the mechanical condition of the motorized bicycle or golf cart.

(1981 Code, § 5.822) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014)

§ 72.56 REMOVAL OF SERIAL NUMBER OR LICENSE PLATE OR STICKER.

It shall be unlawful for any person, willfully or maliciously, to remove, destroy, mutilate, or alter the serial number of any motorized bicycle or golf cart licensed hereunder; or to remove, destroy, mutilate, or alter any license plate, sticker, or registration card during the time in which the license plate, sticker, or registration card is in force. The Town Marshal is hereby authorized to stamp numbers on the frame of a motorized bicycle or golf cart in a legible manner for identification purposes, upon which no serial number can be found, or upon which the serial number is illegible or insufficient for identification purposes.

(1981 Code, § 5.823) (Ord. 1-1985, passed 8-12-1985; Ord. 7-2008, passed 12-8-2008; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.57 USE OF MOTORIZED BICYCLE OR GOLF CART WITHOUT CONSENT OF OWNER.

It shall be unlawful for any person to use or operate any motorized bicycle or golf cart within the town without the consent of the owner.

(1981 Code, § 5.824) (Ord. 1-1985, passed 8-12-1985; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.58 MOTORIZED BICYCLE OR GOLF CART WITHOUT SERIAL NUMBER.

It shall be unlawful for any person residing in the town to purchase, receive in trade, or otherwise acquire any motorized bicycle or golf cart from which the serial number on the frame has been removed, destroyed, mutilated, or altered, without first reporting the same to the Town Marshal.

(1981 Code, § 5.825) (Ord. 1-1985, passed 8-12-1985; Ord. 7-2008, passed 12-8-2008; Ord. 5-2012, passed 11-14-2014) Penalty, see § 10.99

§ 72.59 ENFORCEMENT OF PROVISIONS.

The Town Marshal shall enforce the provisions of this chapter.

(1981 Code, § 5.826) (Ord. 1-1985, passed 8-12-1985; Ord. 7-2008, passed 12-8-2008)

§ 72.60 SUSPENSION; REVOCATION.

The Town Marshal may revoke or suspend for a period of 30 days any motorized bicycle or golf cart license for any violation of any provision of this chapter, or any applicable provision of the statutes relating to traffic; and, in addition, the Town Marshal may impound the motorized bicycle or golf cart of any such violator for a period not exceeding 30 days.

(1981 Code, § 5.827) (Ord. 1-1985, passed 8-12-1985; Ord. 7-2008, passed 12-8-2008; Ord. 5-2012, passed 11-14-2014)

§ 72.99 PENALTY.

(A) The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.

(B) Notwithstanding the penalty set forth immediately above, any traffic violation may be prosecuted pursuant to Indiana law in any court of competent jurisdiction, and shall be subject to any applicable fines, costs, and penalties prescribed by Indiana law.

(Ord. 8-2008, passed 12-8-2008)

CHAPTER 73: TRAFFIC SCHEDULES

Schedule

- I. Through streets
- II. Hazardous areas and speed limits
- III. One-way streets and alleys

SCHEDULE I. THROUGH STREETS.

(A) The following streets or parts of streets are hereby designated as through streets, and drivers of vehicles shall stop at every intersection before entering any such streets:

North Lee Street from Delaware Street to Main Street
South Lee Street from Main Street to the corporate limits
Graham Street from Delaware Street to Main Street
North Glenwood Drive from North Third Street to Main Street
North Pearl Street from Main Street going north, to where Pearl Street ends
North Gay Street from North Second Street to Main Street
North Myers Avenue from North Second Street to Main Street
North Lincoln Drive from Delaware Street to Main Street
Vandalia Avenue from Delaware Street to Main Street
North Plum Street from Front Street to Main Street
South Plum Street from Main Street to corporate limits
North Chestnut Street from Creitz Park to Main Street
North Center Street from Creitz Park to Main Street
South Center Street from Main Street to corporate limits
North Foote Street from Creitz Park to Main Street
South Foote Street from Main Street to South Third Street
South Foote Street from South Third Street to corporate limits

Cambridge City - Traffic Code

North Green Street from Delaware Street to Maple Street
North Green Street from Maple Street to Main Street
South Green Street from West Church Street to corporate limits
South Jones Street from Main Street to South Fourth Street
Simmons Street from Delaware Street to Maple Street
North Walnut Street from Delaware Street to Maple Street
North Walnut Street from Maple Street to Main Street
South Walnut Street from Main Street to corporate limits
Mulberry Street from Delaware Street to Maple Street
Mulberry Street from Maple Street to Main Street
Dale Avenue from Delaware Street to Main Street
Boundary Street from Main Street to corporate limits
South High Street from Main Street to corporate limits
Delaware Street from North Lincoln Drive to College Street
Delaware Street from College Street to State Road No. 1
North Second Street from Lincoln Drive to Pearl Street (or as far as North Second Street goes toward Pearl Street)
North Third Street from Lincoln Drive to Pearl Street (or as far as North Third Street goes east toward Pearl Street)
North Third Street from Pearl Street to College Street
East Church Street from South Lincoln Drive to Lee Street
West Parkway Drive from Dale Avenue to Mulberry Street
West Maple Street from Parkway Drive to Mulberry Street
West Maple Street from Walnut Street to Green Street
College Avenue from Boundary Street to Walnut Street
South Fifth Street from Boundary Street to Walnut Street
Main Street from west corporate limits to east corporate limits
South Foote Street from Main Street to Church Street
South Foote Street from Church Street to South Third Street

(B) The Town Marshal shall post, or cause to be posted, stop signs at the points where all other streets intersect the through streets.

(Ord. 4-2004, passed 12-13-2004; Ord. 8-2009, passed 9-14-2009) Penalty, see § 10.99

SCHEDULE II. HAZARDOUS AREAS AND SPEED LIMITS.

(A) The following described areas are hereby designated as hazard areas wherein special traffic hazards exist, and no person shall drive a vehicle in excess of the speed limit designated for the area:

<i>Hazardous Area</i>	<i>Speed Limit</i>
East Delaware Street from North Gay Street to the river bridge	School Zone 20 mph
Vandalia Avenue from Delaware Street to Main Street	School Zone 20 mph
North Lincoln Drive from Delaware Street to Main Street	School Zone 20 mph
East Main Street from Gay Street to Center Street	School Zone 20 mph
Chestnut Street from Church Street to Front Street	School Zone 20 mph
Creitz Park	5 mph
Riverside cemetery	5 mph
North Green Street from Front Street to Parkway Drive	15 mph
North Green Street from Parkway Drive to Delaware Street	20 mph
Maple Street from Green Street to Foote Street	15 mph
South Green Street from Main to corporate limits	20 mph

(1981 Code, § 5.501)

(B) The Police Department shall post, or cause to be posted, suitable signs designating the speed limits in the areas herein specified, and suitable signs designating the hazardous areas herein specified where appropriate.

(1981 Code, § 5.502)

(Ord. 3-1971, passed 12-13-1971) Penalty, see § 10.99

SCHEDULE III. ONE-WAY STREETS AND ALLEYS.

(A) Traffic shall move only in the direction indicated by proper signs upon the following streets and alleys, which are hereby designated as one-way streets and one-way alleys:

<i>Street or Alley</i>	<i>Direction</i>
Alley between South Green Street and South Foote Street from Main Street to Church Street	South bound only
Alley between Main Street and Church Street from South Green Street to South Center Street	East bound only
Alley between Main Street and Front Street from North Center Street to North Green Street	West bound only
Alley south of Church Street between Plum Street and Center Street	West bound only
Alley between Jones Street and Simmons Street from Maple Street to Parkway Drive	North bound only

(1981 Code, § 5.701)

(B) The Police Department shall post, or cause to be posted, suitable signs indicating the direction of travel permitted on the one-way streets and alleys.

(1981 Code, § 5.702)

(Ord. 4-1977, passed 9-26-1977) Penalty, see § 10.99

CHAPTER 74: PARKING SCHEDULES

Schedule

I. Prohibited parking areas

SCHEDULE I. PROHIBITED PARKING AREAS.

(A) No person shall at any time park a vehicle upon any of the following described streets or parts thereof:

East side of North Foote Street from West Front Street to a point 50 feet north thereof
West side of North Foote Street from Front Street to Main Street
North side of West Front Street from North Foote Street to the bridge
East side of North Green Street from West Front Street to a point 50 feet north thereof
West side of North Green Street from West Front Street to a point 50 feet north thereof
East side of South College Street from Main Street to Church Street
East side of North Green Street from Maple Street to a point 50 feet south thereof
South side of Delaware Street from Vandalia Avenue to North Lincoln Drive
East side of North Lincoln Drive from Main Street to a point 50 feet north thereof
East side of South Gay Street from Church Street to a point 50 feet north thereof
West side of South Gay Street from Church Street to a point 50 feet north thereof
Both sides of East Front Street from Gay Street to Pearl Street
South side of East Church Street from Gay Street to Lincoln Drive
East side of South Center Street from Church Street to Main Street
East side of South Foote Street from Church Street to Main Street
South side of South Third Street from Green Street to a point 100 feet east thereof
South side of South Third Street from Green Street to a point 300 feet west thereof

Cambridge City - Traffic Code

West side of North Lincoln Drive from Delaware Street to Parkway Drive, between the hours of 3:00 p.m. and 4:00 p.m., during school days only
South side of West Parkway Drive from Simmons Street to Green Street
Both sides of Westview Drive
East side of South Walnut Street from Main Street to Church Street
Both sides of North Third Street/North Gay Street from Lincoln Drive to Delaware Street

(1981 Code, § 5.401)

(B) The Marshal Department shall post, or cause to be posted, suitable signs and curb markings designating the prohibited parking areas.

(1981 Code, § 5.402)

(Ord. 1-1997, passed 5-27-1997; Ord. 6-2011, passed 10-10-2011; Ord. 1-2015, passed 3-9-2015)

Penalty, see § 10.99

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. HEALTH AND SAFETY; NUISANCES**
- 91. ANIMALS**
- 92. FAIR HOUSING**
- 93. FIRE PREVENTION AND PROTECTION**
- 94. LITTER CONTROL**
- 95. PUBLIC WAYS**
- 96. CEMETERIES**
- 97. PARKS AND RECREATION**
- 98. RAILROADS**
- 99. STREET TREES**
- 100. SIDEWALKS AND CURBS**

CHAPTER 90: HEALTH AND SAFETY; NUISANCES

Section

Abandoned Motor Vehicles

- 90.01 Incorporation of state law
- 90.02 Towing; storage; charges
- 90.03 Administration
- 90.04 Establishment of market value for disposal
- 90.05 Abandoned Vehicle Fund

Vegetation and Similar Nuisances

- 90.20 Definitions
- 90.21 Growth of certain vegetation restricted
- 90.22 Notice of violation
- 90.23 Failure to abate nuisance; cost of removal; lien
- 90.24 Exceptions
- 90.25 Effective date

Noise

- 90.40 Radios and sound devices
- 90.41 Mobile sound amplifiers
- 90.42 Exception

- 90.99 Penalty

ABANDONED MOTOR VEHICLES

§ 90.01 INCORPORATION OF STATE LAW.

(A) The provisions of I.C. 9-13-2-1 and I.C. 9-22-1-1 *et seq.*, including any amendments thereto, are declared to be in full force and effect for the town and those provisions of the law are incorporated herein by reference.

(B) All provisions of this subchapter, which shall become a part of the Code of the Town of Cambridge City, Indiana (hereinafter referred to from time to time for convenience sake as “the code”), shall be in conformance with and not in conflict with the aforementioned sections of the Indiana Code. Any provision(s) found to be in conflict with the Indiana Code shall be deemed amended to conform to the statute. This subchapter is passed pursuant to I.C. 9-22-1-1 through 9-22-1-32 for the purpose of facilitating the removal and disposition of abandoned vehicles in the town.

(C) To the extent possible under law, any future amendment(s) and/or recodification(s) of any statute(s), regulation(s), and/or code(s) referenced and/or cited in this subchapter, shall be adopted by the passage of this subchapter, or any amendment(s) thereto, and this subchapter may be amended, without further action, to reflect a change(s) in the citation(s) to the statute(s), regulation(s), and/or code(s) when the updates are appropriate, provided that the amendment(s) does not alter the purpose of this subchapter.

(Ord. 1-2004, passed 4-12-2004)

§ 90.02 TOWING; STORAGE; CHARGES.

(A) The Cambridge City Police Department, in conjunction with the Clerk-Treasurer of the town, is hereby authorized to develop and implement a system for calling wreckers to tow vehicles which are not removed by owner’s direction or pursuant to other contract or agreement. The Cambridge City Police Department, in conjunction with the Clerk-Treasurer of the town, shall be authorized to establish charges allowed for the towing and storage of vehicles, and the allowed charges, and any subsequent changes thereto, shall be filed with the Bureau pursuant to I.C. 9-22-1-30. The allowed charges shall be reasonable in light of all circumstances. The Cambridge City Police Department shall not have any vehicle towed until the time that allowed charges are established and filed with the Bureau as outlined herein.

(B) Any wreckers agreeing to tow and store vehicles pursuant to this subchapter and I.C. 9-22-1-1 *et seq.* shall agree and acknowledge that the town is not responsible for payment for towing or storage, and that the wreckers are to be paid by the owners or lien holders in the event that the vehicle is released to the owner or lien holder pursuant to I.C. 9-22-1-8 (pursuant to the allowed charges filed with the Bureau), or paid by the Bureau in the event that the vehicle is sold pursuant to I.C. 9-22-1-27. Any wreckers agreeing to tow and store vehicles shall agree that any charges in excess of the charges allowed and paid by the owner, lien holder, or Bureau, shall not be the responsibility of the town.

(Ord. 1-2004, passed 4-12-2004)

§ 90.03 ADMINISTRATION.

(A) This section is to provide assistance to the law enforcement officers of the Cambridge City Police Department, which shall include the Town Marshal and any Deputy Marshals (hereinafter from time to time referred to for convenience sake as “officers”) in carrying out the requirements of I.C. 9-22-1-1 *et seq.*, including any amendments thereto. An officer should review I.C. 9-22-1-1 *et seq.* and any applicable definition sections before having a vehicle towed pursuant to this subchapter.

(B) The Town Marshal shall make available to officers a notice tag which complies with the requirements set forth in I.C. 9-22-1-11, and any future amendments thereto.

(C) After an abandoned vehicle or parts have been tagged pursuant to I.C. 9-22-1-11 and is not removed within the statutorily provided period, the officer shall comply with all report and photographing requirements, and shall arrange for the removal of the vehicle pursuant to I.C. 9-22-1. The Town Marshal may, but is not required to, have the officer complete an affidavit of compliance to be placed with and maintained with the reports and other information required to be maintained by the Cambridge City Police Department by I.C. 9-22-1. The affidavit of compliance, if completed, shall contain the following information:

(1) That the officer believed the vehicle to be an abandoned vehicle;

(2) That the officer complied with the requirements of I.C. 9-22-1-11;

(3) That, if applicable, the officer's opinion is that the market value of the vehicle is less than the amount established in this subchapter; and

(4) That the officer has prepared the written report and taken the necessary photographs required by I.C. 9-22-1-12.

(D) After the removal of an abandoned vehicle to a storage area pursuant to I.C. 9-22-1, and within the time frame required therein, the Cambridge City Police Department shall prepare and forward to the Bureau an abandoned vehicle report in compliance with this subchapter.

(E) Officers of the Cambridge City Police Department shall complete any and all necessary reports required by I.C. 9-22-1, and shall take necessary photographs as required by the statutory sections, and the reports and photographs shall be maintained and preserved on file by the Cambridge City Police Department in compliance with the time frames set forth in the statutory sections, and copies of the reports and photographs shall be forwarded to the appropriate agency or agencies as required by the statutory sections, including, but not limited to, the Indiana Bureau of Motor Vehicles.

(F) The Cambridge City Police Department shall cooperate with and assist the Indiana Bureau of Motor Vehicles in carrying out the Bureau's responsibilities and duties in regards to I.C. 9-22-1.

(G) The town establishes, pursuant to I.C. 9-22-1-30, that the means for disposition of vehicles shall be pursuant to I.C. 9-22-1-23, in that the Bureau shall be responsible for selling the vehicle or parts in the event that the owner or lien holder does not appear within the statutorily allotted time frame after the Bureau mails the appropriate notice.

(Ord. 1-2004, passed 4-12-2004)

§ 90.04 ESTABLISHMENT OF MARKET VALUE FOR DISPOSAL.

Pursuant to I.C. 9-22-1-13(b), the Town Council of the Town of Cambridge City, Indiana, a municipality, hereby establishes the market value below which an officer may dispose of a vehicle or parts under I.C. 9-22-1-13(a) as \$500.
(Ord. 1-2004, passed 4-12-2004)

§ 90.05 ABANDONED VEHICLE FUND.

The town, pursuant to I.C. 9-22-1-30, hereby establishes an Abandoned Vehicle Fund for the purposes of I.C. 9-22-1.
(Ord. 1-2004, passed 4-12-2004)

VEGETATION AND SIMILAR NUISANCES**§ 90.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DETRIMENTAL PLANTS. Canada thistle, Johnson grass, sorghum alumun, bur cucumber, and shattercane.

GRASS. The ornamental and/or environmental growth of plants having the slender leaves characteristic of the grass family and used to cover an expanse of land such as a lawn and is the primary ground cover for the expanse of land. Common names of grass may be, but are not limited to, bluegrass, fescue, and ryegrass.

NATURAL AREA. An area of land that is consonant with the surrounding land usage. The ***NATURAL AREA*** should be complementary and harmonious in characteristics. The ***NATURAL AREA*** may contain grass, weeds, and other natural growth, but not rank and noxious vegetation or detrimental plants. ***NATURAL AREAS*** may be, but not limited to: natural waterways, nonresidential wooded areas and unimproved, abandoned railroad rights-of-way.

NOXIOUS. Harmful to living things or injurious to health or having the potential to do so.

RANK VEGETATION. Vegetation that is ill smelling, fetid, malodorous, or noxious.

WEED. A plant commonly considered to be undesirable, unattractive, or troublesome.
(Ord. 3-2001, passed 3-12-2001)

§ 90.21 GROWTH OF CERTAIN VEGETATION RESTRICTED.

It shall be unlawful and in violation of this subchapter for any property owner to permit weeds, grass, detrimental plants, and other rank or noxious vegetation as defined in this subchapter to grow to a height exceeding 12 inches on his or her property located within the geographical limits of the town, and the vegetation exceeding the height are hereby declared to be a nuisance. Any property owner who fails to remove the weeds, grass, detrimental plants, or other rank vegetation shall be deemed in violation of this subchapter.

(Ord. 3-2001, passed 3-12-2001) Penalty, see § 90.99

§ 90.22 NOTICE OF VIOLATION.

The Clerk-Treasurer of the town shall issue a ten-day “compliance notice” in writing to any property owner(s) in violation of this subchapter. In the event that the property owner resides within the corporate limits of the town, the notice shall be served by: an officer of the town’s law enforcement department upon the property owner(s); or by certified or registered mail addressed to the property owner’s address as shown on the records of the Wayne County Treasurer’s office, Wayne County, Indiana. In the event that the property owner(s) do not reside within the corporate limits of the town, to the best knowledge of the town, the notice shall be served by certified or registered mail addressed to the property owner’s address as shown on the records of the Wayne County Treasurer’s office, Wayne County, Indiana. The notice shall demand the abatement of the nuisance and removal of the weeds, grass, detrimental plants, or other rank or noxious vegetation, as specified in the notice, by the property owner within ten days from the date of the service of the notice or from the date of mailing the notice, whichever is applicable.

(Ord. 3-2001, passed 3-12-2001)

§ 90.23 FAILURE TO ABATE NUISANCE; COST OF REMOVAL; LIEN.

(A) If the property owner so served does not abate the nuisance and fails to remove the specified weeds, grass, detrimental plants, or other rank or noxious vegetation on his or her property within the aforementioned ten days, the town shall have the right to cut and remove the weeds, grass, detrimental plants, or other rank or noxious vegetation specified in the notice. The Clerk-Treasurer shall cause the cutting and removal of such to be done and prepare a certified statement of the actual cost incurred for the cutting and removal by the town, either by using its own employees or an independent contractor.

(B) Thereupon the Clerk-Treasurer shall have the statement delivered to the property owner by the town’s law enforcement department or by certified or registered mail addressed to the property owner’s address shown on the records of the Wayne County Treasurer.

(C) In the event that the property owner disputes the “compliance notice” issued under this subchapter or a certified statement of the cutting and removal costs, the property owner may file a written appeal with the Clerk-Treasurer for rescission or adjustment of the notice or certified statement within seven days after the date of the notice or certified statement.

(D) Upon failure of the property owner to pay the certified statement issued under this subchapter within 30 days as set forth in this subchapter, the Clerk-Treasurer shall file a certified copy of the statement of actual costs for the cutting and removal of the vegetation with the office of the Wayne County Auditor for placement of the amount due upon the tax duplicate of the property owner for the collection as delinquent taxes are collected and disbursed to the general fund of the Town of Cambridge City as provided by I.C. 36-7-10.1-4.
(Ord. 3-2001, passed 3-12-2001)

§ 90.24 EXCEPTIONS.

This subchapter shall not apply to:

(A) Agricultural crops;

(B) Hay and pasture covers; and/or

(C) Natural areas.

(Ord. 3-2001, passed 3-12-2001)

§ 90.25 EFFECTIVE DATE.

This subchapter shall be in full force and effect from the date of its passage and publication as provided by law.

(Ord. 3-2001, passed 3-12-2001)

NOISE

§ 90.40 RADIOS AND SOUND DEVICES.

No person shall, without the written consent of the President of the Town Council, operate, or permit the maintenance and operation in or on any building, any premises, or the public streets or alleys within the town, of any radio device, mechanical musical instrument or device, or any device for the amplification of sound, whereby the sound emitted is cast directly on and into the public street or parks, either for the purpose of advertising in any form or for the purpose of drawing or attracting the attention of the public, or which is so placed and operated that the sounds emitted can be heard to the annoyance or inconvenience of the public on the streets or in the public parks or of persons in neighboring premises.
(1981 Code, § 4.1201) (Ord. 4-1991, passed 8-12-1991) Penalty, see § 90.99

§ 90.41 MOBILE SOUND AMPLIFIERS.

No person shall operate or permit the operation of any sound producing or sound amplification device on any vehicle on the streets, alleys, or parks without the written consent of the President of the Town Council.

(1981 Code, § 4.1202) (Ord. 4-1991, passed 8-12-1991) Penalty, see § 90.99

§ 90.42 EXCEPTION.

Nothing herein shall be construed as applying to the ordinary use and operation of automobile radios through which is being transmitted broadcasts emitting from licensed radio stations.

(1981 Code, § 4.1203) (Ord. 4-1991, passed 8-12-1991)

§ 90.99 PENALTY.

The penalty for any violation of this chapter shall be the penalty prescribed by and set forth in § 10.99 of this code.

(Ord. 8-2008, passed 12-8-2008)

CHAPTER 91: ANIMALS

Section

- 91.01 Definitions
- 91.02 Restraint of animals
- 91.03 Public nuisance animal
- 91.04 Vicious animals
- 91.05 Animal bites and quarantine
- 91.06 Commercial animal establishments
- 91.07 Disposition of dead animals
- 91.08 Duty and responsibility of animal owners
- 91.09 Vaccination of dogs, cats and ferrets
- 91.10 Report of vehicular collision with animal
- 91.11 Interfering with Animal Control Officer
- 91.12 Injured animals; action required
- 91.13 Animal waste
- 91.14 Lost or stray animals
- 91.15 Animals in vehicles
- 91.16 Animal sacrifice
- 91.17 Number of animals limited
- 91.18 General town animal regulations
- 91.19 Jurisdiction
- 91.20 Enforcement procedures
- 91.21 Impounded animals
- 91.22 Authority to destroy vicious or ferocious animals
- 91.23 Provisions supplemental to state regulations

- 91.99 Penalty

§ 91.01 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ABANDONED ANIMAL. Any domesticated animal which shall have been placed upon public property or within a public building unattended or uncared for or upon or within the private property

of another without the express permission of the owner, custodian or tenant of the private property, and which is unattended or uncared for.

ADULT DOG and **ADULT CAT**. Any dog or cat that is three months of age or older for the purposes of rabies vaccinations/tags.

ANIMAL. Every living dumb creature, both domestic and wild.

ANIMAL CONTROL OFFICER. Any person who is authorized to implement and enforce the town's animal care and control ordinances and as defined in state statutes.

AUCTION. A commercial animal establishment where animals are regularly bought or sold, traded, etc., i.e., a flea market.

AUTHORIZED VETERINARIAN CLINIC. Any person licensed or permitted to practice veterinary medicine under the laws of the State of Indiana, and such person shall have no previous incidents where money collected from the sale of rabies or license tags has been used or handled inappropriately or illegally.

CIRCUS. A commercial animal establishment variety show featuring animals as public entertainment.

COLONY. A group of one or more feral cats, whether managed or unmanaged.

COLONY CARETAKER. An authorized person who provides food, water and shelter for feral cats in a registered colony.

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, auction, flea market, riding school or stable, pet grooming shop, zoological park, circus, kennel, or veterinary hospital.

DIRECT CONTROL. Immediate and continuous physical control of an animal (excluding herding dogs; dogs in the process of hunting; police dogs; dogs participating in a registered field trial, obedience trial, and confirmation show and/or match) at all time such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal. When an animal is specifically trained to immediately respond to oral or visual commands, the term **DIRECT CONTROL** includes oral or visual control if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal, but in no case to exceed 100 feet. Oral control shall at all times prevent the animal from running at large or otherwise violating this chapter.

DOG or **CAT RUNNING AT LARGE**. Any dog or cat not under direct control, not on a leash, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of its owner. Hunting dogs are under the control of the owner when hunting with the landowner's permission.

DOMESTIC ANIMAL. A dog, cat, or any other animal such as a rabbit, guinea pig, lizard, iguana, hamster, ferret, mouse, snake (non-venomous), spider, bird, or gerbil, which may normally be held, sold, or maintained as a pet. The Town Council reserves the right to amend this definition by adding or deleting animals as from time to time determined to be an animal which has been domesticated.

EXOTIC ANIMAL. A wild animal that is non-native to the State of Indiana, or any venomous snake.

FERAL CAT. Any cat that has no apparent owner or identification and is wild, untamed, unsocialized, unmanageable and unable to be approached or handled.

GROOMING ESTABLISHMENT. Any place of business, stationary or mobile, which accepts private pets for bathing, clipping, dipping, pedicuring or other related services, but not to include breeding, dentistry or overnight boarding.

GUARD DOG and WATCHDOG. Any dog trained by a recognized training facility for the purpose of protecting individuals from assault and/or preventing property loss or damage. The term **RECOGNIZED TRAINING FACILITY** means any person holding a state kennel license and a business license for either of the purposes described in this definition.

GUIDE DOG. A properly trained dog certified by a licensed training facility that has an expertise in training dogs for physically impaired persons and that is actually being used by a person to assist in that physical impairment.

HARBORER and CAREGIVER. Any person who performs acts of providing care, shelter, protection, restraint, refuge, food or nourishment in such a manner as to control an animal's activities.

HUMANE SOCIETY. An incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is to provide for the protection of animals. A **HUMANE SOCIETY** accepts members from the public at large, and the controlling board is elected by the general membership. A **HUMANE SOCIETY** operates from a business facility on commercially zoned property and has advertised and set hours for public access.

HUMANE TRAP. Any device used for capturing an animal without inflicting injury, pain or suffering and which provides adequate ventilation for the trapped animal. Snares, leg traps or similar devices are considered inhumane and shall not be used.

IMPOUNDMENT. The act of taking physical possession and control of an animal by an Animal Control Officer or other officer empowered to act by law and transporting it to an animal control facility or humane society.

KENNEL and CATTERY. Any place of business at which dogs or cats are kept for sale, breeding, boarding or training.

LIVESTOCK. Includes horses, cows, goats, pigs or any other four-legged animal, excluding dogs and cats, used for pleasure or profit. Fowl are expressly included within this definition.

MANAGED COLONY. A colony of feral cats that are registered with the Humane Society, or designee and is maintained by a colony caretaker using trap, neuter, return methodology.

OWNER. Any person who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his or her care or who permits an animal to remain on or about his or her premises; provided, however, this shall not include a person hired or acting as custodian of the animal for its owner, and shall not include colony caretakers of registered colonies of feral cats. **OWNER** shall include a harbinger and caregiver.

PET SHOP. A commercial animal establishment engaging in the retail sale of animals.

POLICE OFFICER. Any law enforcement officer empowered to make arrests or cause to be issued summonses in the incorporated areas of the town.

RIDING SCHOOL or **STABLE.** A commercial pet establishment that has available for hire, boarding and/or riding instruction any horse, burro, donkey, pony or mule.

TOWN. The Town of Cambridge City.

VETERINARY HOSPITAL. A commercial animal establishment maintained and operated by a licensed veterinarian for surgery, disease diagnosis, treatment of disease and injuries of animals.

VICIOUS ANIMAL and **DANGEROUS ANIMAL.** Any animal that attacks, bites or injures human beings, pets, companion animals or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings, pets, companion animals or livestock. No dog may be declared dangerous if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. The definition shall not be construed to include dogs that are part of a governmental organization or a trained guard dog in performance of its duties.

WILD ANIMAL. One that lives in the wild or is not domesticated. This chapter is not intended to regulate wild and/or exotic animals. Regulation of wild and/or exotic animals is governed through the State of Indiana, 312 IAC, Article 9, Fish and Wildlife.

ZOOLOGICAL PARK. A commercial animal establishment displaying or exhibiting, without the primary purpose of selling, one or more species of non-domesticated animals operated by a person or governmental agency.

(Ord. 6-2008, passed 11-10-2008)

§ 91.02 RESTRAINT OF ANIMALS.

(A) It shall be unlawful for any owner of any animal to allow such animal to run at large, whether wearing a collar and tag or not, within the incorporated areas of the town. Any and all dogs or cats found running at large, whether wearing a collar and tag or not, shall be immediately impounded by officers of the animal control unit or any police officer. The officers may pursue the animal onto private property to effect capture of such animal.

(B) The owner of the animal can be issued a summons into court for that town ordinance violation.

(C) It shall be the duty of every owner of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from the animal's behavior. If the owner of any animal is a minor, the parent or guardian of the minor shall be jointly and severally liable and responsible for the minor's violation of this chapter.

(D) It shall be the duty of every owner of any animal to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving the real property limits of its owner and to ensure that it is:

(1) Securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at any time the animal is left unattended;

(2) Securely and humanely restrained by chain, cable or trolley, or other tether of sufficient strength to prevent escape; and

(3) On a leash and under the control of a competent person; or off a leash and obedient to that person's command and that person is present with the animal any time it is not restrained as provided for in division (D)(1) or (2) of this section while on the owner's property.

(E) The following additional precautions shall be taken by the owners of vicious or dangerous animals:

(1) In addition to the requirements in division (D) of this section, the owner of a dangerous or vicious animal who maintains the animal out-of-doors shall fence a portion of the property with a second perimeter or area fence. Within this perimeter or area fence, the vicious or dangerous animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

(2) Whenever an animal is outside of its enclosure as provided for in this division, but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet, and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.

(3) No vicious or dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure as provided for in this division.

(F) The owner of any guard dog or watchdog must confine such dog within a perimeter fence and meet the following conditions:

(1) The fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times.

(2) A beware of dog sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 feet of enclosure, with a minimum of two, as well as a sign on each ingress or egress point to the enclosure. Signs shall be a minimum of ten inches high and 14 inches long.

(G) The chaining of dogs is discouraged, but if it is done, the following is required:

(1) The dog must be able to reach fresh food and water 24 hours a day.

(2) The chain must be at least 12 feet in length.

(3) The chain must not be of a weight heavy enough to cause physical damage to the dog's neck or body.

(4) The chain must be attached in a manner so that it cannot wrap around vertical items such as a barrel, pole or tree. It must be able to move freely in all directions.

(5) The dog must have shelter from the weather, yet free from becoming entangled with the chain. The dog must have access to the shelter 24 hours a day.

(6) The shelter or doghouse must be kept clean and sanitary and in good repair so the dog does not injure itself on nails, wood pieces, metal pieces, etc. A shelter from weather must be provided during all seasons of the year.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.03 PUBLIC NUISANCE ANIMAL.

(A) A public nuisance animal shall mean and include any animal that meets any one or more of the following:

- (1) Is repeatedly found at large or running at large;
- (2) Damages the property of anyone other than the owner;
- (3) Is vicious;
- (4) Attacks without provocation;

(5) Excessively makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept;

(6) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and thereby creates unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept; or

- (7) Is not being kept in conformity with town zoning ordinances.

(B) Any such public nuisance animal may be impounded and the owner charged for a violation of this chapter.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.04 VICIOUS ANIMALS.

(A) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious dog, cat or other animal on the streets or public places of the town or allow the animal to run on the premises of another at any time, unless, in addition to the other requirements of this chapter, such dog, cat or other animal shall be securely muzzled to effectively prevent it from biting any person or other animal. Upon impounding a vicious animal for any reason, the Animal Control Officer may, for reasons of public safety, retain the animal at the impoundment facility until disposition by the appropriate court.

(B) This section shall not apply to law enforcement dogs.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.05 ANIMAL BITES AND QUARANTINE.

(A) All animal bites shall be reported to the Police Department by the person bitten and by the owner of the animal which has bitten someone. The person owning any animal reported to have bitten any person shall keep the animal penned up not less than ten days. A report of the animal's condition shall be made to the Police Department on the third, seventh, and tenth days, and any animal showing signs of illness must be taken to a veterinarian or dog pound for safe-keeping.

(B) Upon receiving information that any person in the town has been bitten by an animal, the Police Department shall immediately make a report of the incident to the County Health Officer, and shall thereafter take such further action as the Health Officer may direct.

(C) It is the duty of the person bitten or the person's parent or guardian to make the report in conformance with Indiana law, including requirements currently found at Title 410 Indiana Administrative Code 1-2.3-52, as may be recodified or amended in the future. Law enforcement K-9 dogs, if provided by law, may be exempted from this section.
(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.06 COMMERCIAL ANIMAL ESTABLISHMENTS.

Standards for commercial animal establishments are as follows:

(A) The establishment must be operated in such a manner as not to constitute a public nuisance, and must be properly licensed pursuant to any and all applicable federal, state, and local laws and regulations.

(B) The establishment shall provide an isolation area for animals that are sick or diseased to be placed in so as not to spread disease to healthy animals.

(C) All animals must be kept caged, within a secure enclosure or under the control of the owner at all times.

(D) The establishment must provide the level of care provided for in the town's animal care ordinances to all animals kept on the premises.

(E) The establishment will not sell animals which are unweaned or diseased.

(F) The establishment shall permit the Animal Control Officer to inspect at any and all times the premises where the animals are kept.

(G) The establishment must provide each animal with sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure.

(H) A commercial animal establishment is defined by, but not limited to, the following:

- (1) Auction;
- (2) Flea market;
- (3) Circus;
- (4) Riding school or stable;
- (5) Veterinary hospital;
- (6) Zoological park;
- (7) Pet shop;
- (8) Pet grooming shop; and
- (9) Kennel (breeding).

(I) All commercial animal establishments, other than a circus temporarily located within the town for less than ten days per year, shall be located at a permanent building or facility and shall be permitted at that location by the applicable zoning laws.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.07 DISPOSITION OF DEAD ANIMALS.

A person finding a dead domestic animal or large undomesticated animal or the surviving young of either within the town shall call the Animal Control Officer or Police Department.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.08 DUTY AND RESPONSIBILITY OF ANIMAL OWNERS.

Every owner of every animal kept in the town shall see that such animal:

(A) Is kept in a clean and sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement. The person responsible for the animal shall regularly and as often as necessary maintain all animal areas or areas of animal contact to prevent odor or health and sanitation problems;

(B) Shall have proper and adequate food that is nutritionally appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;

(C) Shall not be tethered by use of a choke collar nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than 12 feet in length or of such unreasonable weight as to prevent the animal from moving about freely;

(D) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;

(E) Is provided reasonably necessary veterinary care, in addition to the required rabies vaccination, which shall include distemper, parvo virus inoculations; if diseased or exhibiting symptoms of disease, receives proper medical care and is segregated from other animals so as to prevent transmittal of the disease;

(F) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the town and in effect from time to time; and

(G) Shall not run at large.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.09 VACCINATION OF DOGS, CATS AND FERRETS.

(A) All owners of dogs, cats, and ferrets are required to comply with Indiana Administrative Code, Title 345: Indiana State Board of Animal Health.

(B) At the time of adoption of this section, 345 I.A.C. 1-5-2 required that all dogs, cats, and ferrets three months of age and older must be vaccinated against rabies, and this section incorporates those requirements, and any future more restrictive requirements thereof. The rabies vaccination of a dog, cat, or ferret shall be maintained by ongoing revaccination of the animal as follows:

(1) Ferrets shall be revaccinated within 12 months of the prior vaccination.

(2) Dogs and cats that are vaccinated with a rabies vaccine, the label of which recommends annual boosters, shall be revaccinated within 12 months of the prior vaccination.

(3) Dogs and cats that are vaccinated with a rabies vaccine, the label of which recommends a booster one year later and triennially thereafter shall be revaccinated 12 months of the first vaccination and shall be revaccinated within 36 months of each vaccination thereafter.

(C) The owner of the animal is responsible for procuring the vaccinations required by this section.

(D) Cats and dogs over the age of three months must wear a current rabies tag at all times attached to a properly fitted collar or harness. Cats which are routinely kept inside a residential structure are exempt from wearing a tag and collar while inside. This exemption does not apply when a cat is outside the residential structure.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.10 REPORT OF VEHICULAR COLLISION WITH ANIMAL.

A person whose vehicle causes injury or death to a domestic or wild animal in the town shall immediately notify the animal's owner, if known, or a local law enforcement agency, together with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after being struck. Such person shall not be required to report his or her name for purposes of this section, although the same may be required by law enforcement for other purposes, as the only purpose of this requirement in this section is to aid the stricken animal and notify its owner, if any.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.11 INTERFERING WITH ANIMAL CONTROL OFFICER.

It shall be unlawful to interfere with any Animal Control Officer or other officer empowered to act by law, to take or attempt to take any animal from the town official vehicle used to transport the animal, or to take or attempt to take any animal from the animal control shelter or impounding area.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.12 INJURED ANIMALS; ACTION REQUIRED.

(A) It shall be unlawful for any person injuring any animal by any means to fail to notify immediately the owner of the animal or the Police Department.

(B) Notification shall include the location and description of the animal and the condition of the animal if known.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.13 ANIMAL WASTE.

The owner of every animal shall be responsible for the removal of any feces deposited by his or her animal on public property, public walks, public parks, beaches, recreation areas or private property of others. Owners of service dogs may be exempted from this section.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.14 LOST OR STRAY ANIMALS.

A person finding a stray animal is to notify the Humane Society within 48 hours. At the discretion of the Humane Society, the animal may be kept by the finder and a found pet report left with the department, to enable the finder an opportunity to return the animal to its rightful owner. Upon demand by the Humane Society, any found animal will be surrendered and held for a minimum of seven days before a disposition is made. A person finding an animal is obligated to comply with all rules and regulations of this chapter pertaining to humane care and treatment of animals, while the animal is in custody awaiting return to its actual owner. With the exception of the Humane Society for the town, the finder will be considered the found animal's owner for the purpose of this section only after the animal is in the finder's custody for 30 continuous days.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.15 ANIMALS IN VEHICLES.

No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal (extreme heat or cold). No animal shall be transported in any open vehicle unless confined in an appropriate manner intended to prevent the animal from jumping from the vehicle or being thrown from the vehicle in an accident or rapid stop or other use of the vehicle which could cause injury to the pet, any person, or property. No animal shall be transported in the trunk of any vehicle.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.16 ANIMAL SACRIFICE.

No person shall engage in, participate in, assist in or perform animal sacrifice. No person shall own, keep, possess or harbor any animal with the purpose or intention of using such animal for animal sacrifice. No person shall knowingly sell, offer for sale, give away or transfer any animal to any person when he or she knows or believes that person intends to use such animal for animal sacrifice. This section does not prohibit slaughter of animals for agriculture purposes.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.17 NUMBER OF ANIMALS LIMITED.

(A) Subject to the exceptions set forth below, no owner may harbor more than six animals within the incorporated areas of the town, and no more than six animals may be harbored in, on, or about a residence or business located within the incorporated areas of the town, even if said residence or business is occupied by more than one owner.

(B) A commercial animal establishment is excepted from the limitations set forth above provided that the establishment is compliant with any and all standards and requirements as set forth § 91.06 above, and is compliant with any and all other local, state, and federal regulations regarding such an establishment.

(C) A violation of this section shall be punished by a fine pursuant to § 91.99 hereof, as well as actions by the town to reduce the number of animals to comply with this section.
(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.18 GENERAL TOWN ANIMAL REGULATIONS.

No person having ownership of an animal shall, within the incorporated limits of the town:

(A) Knowingly or negligently permit a domestic animal to destroy or deface shrubbery, lawns, flowers, gardens, or other property;

(B) Knowingly or negligently permit any animal to chase or harass vehicles or pedestrians on public streets and sidewalks, or obstruct the normal use of the streets and sidewalk;

(C) Keep any livestock on any property within the incorporated limits of the town, or in violation of any other provision of the Town Code, including but not necessarily limited to any zoning regulations or restrictions;

(D) Keep any wild animal, other than such small species as may be lawfully obtained through regular retail pet stores, or animals kept by zoos, circuses, educational institutions, or scientific establishments which are authorized under the game and wildlife laws of the state or the United States to keep and harbor such animals in captivity;

(E) The owner of any female dog or cat in heat kept in the town shall confine the animal within a secure enclosure and in such a manner as to prevent it from becoming a nuisance and in such a manner so as to prevent conception except during planned breeding; or

(F) Allow his or her animal to run at large.
(Ord. 6-2008, passed 11-10-2008; Ord. 7-2009, passed 9-14-2009) Penalty, see § 91.99

§ 91.19 JURISDICTION.

The Town Council finds that the terms and conditions of this chapter are in the best interests of all citizens of the town, and promote the safety and good health of the community and the town.
(Ord. 6-2008, passed 11-10-2008)

§ 91.20 ENFORCEMENT PROCEDURES.

To secure the proper enforcement of the provisions of this chapter, the appropriate authorities of the town may pursue any or a combination of the following remedies as they deem most appropriate to the case:

(A) Taking into custody and impounding any animal found to be kept in violation of any provision applicable under this chapter;

(B) If the violation is a violation only of a town regulation applicable under this chapter, and is not concurrently a violation of a statute, citing the owner of the animal for a penal town ordinance violation, and upon conviction thereof he or she shall be liable to a fine as set forth in § 91.99;

(C) If the violation constitutes an infraction or crime under statute, citing or arresting the owner of the animal for such state offense, subject to penalties as provided by law; and/or

(D) Seeking an injunction in a court of competent jurisdiction to require the compliance of the owner of the animal under the provisions of I.C. 36-1-6-4 or any other law entitling public authorities to enjoin the violation of ordinances or statutes, and including an action to recover all cost to the town of bringing the action for injunction.

(Ord. 6-2008, passed 11-10-2008)

§ 91.21 IMPOUNDED ANIMALS.

(A) When an animal is impounded under § 91.20, the Town Marshal, or any delegate thereof, including any other law enforcement officer or deputy marshal of the town, may retain such animal in its custody for such period of time as he or she determines that it will be feasible to properly confine, shelter and care for the animal at any town facility available for such purpose. When the Town Marshal determines that it is no longer feasible to keep such animal, he or she shall deliver custody of the same to the nearest or most convenient municipal, county, or Humane Society pound which will accept custody of the animal. However, if the animal is a wild animal impounded for violation of § 91.18(D), is of a species indigenous to Central Indiana, is not dangerous to humans or livestock, and is sufficiently mature to care for itself in the wild, the Town Marshal may immediately release same in a suitable area outside of the town. If the owner of an impounded domestic animal is known, the Town Marshal shall notify him or her of the animal's impoundment. If the owner is not known, the Town Marshal may post a notice describing the animal, the time and place of its impoundment, and the reason therefore, at the Town Hall, and if the animal is livestock which may have wandered from outside the town limits, a copy of the notice shall also be sent to the office of the County Sheriff.

(B) An impounded domestic animal shall be kept by the Town Marshal or by a pound into whose custody it is delivered for at least five days. However, if the animal is a dog and the only reason for its impoundment was failure to have a Township dog tax tag, the dog shall be kept for at least ten days.

After the applicable time period has expired, the Town Marshal or pound may humanely destroy or otherwise lawfully dispose of the animal unless such disposal is enjoined by a court, the County Health Officer, or the state veterinarian.

(C) Unless a court, the County Health Officer, or the state veterinarian orders the continued detention of an animal, the owner of an impounded domestic animal, other than an animal impounded for violation of I.C. 35-46-3-7, as maybe amended or recodified, may reclaim the animal at any time while the same is in the custody of the Town Marshal by paying to the town the following fees:

- (1) A charge of \$25 for picking up the animal; and
- (2) A charge of \$10 per day for boarding and feeding the animal.

(D) If the Town Marshal delivers the animal to a pound outside of the town, the above charges shall nevertheless apply for the time that the animal is in the Town Marshal's custody, and an additional fee of \$20 for transporting the animal shall apply. Such charges and fees are in addition to any penalties or costs assessed under §§ 91.20 or 91.99. Any pound into whose custody an animal is delivered may not release the animal to its owner to keep without authorization of the Town Marshal showing that the above charges owed to the town have been paid, but in addition may charge and collect its own usual and standard pound fees from the person reclaiming the animal for the period of time the animal was in custody of the pound as a further condition of the animal's release. An animal which was impounded by reason of a suspected violation of I.C. 35-46-3-7 shall be deemed in protective custody and may not be released to its owner except by order of a court having jurisdiction of the case.

(Ord. 6-2008, passed 11-10-2008) Penalty, see § 91.99

§ 91.22 AUTHORITY TO DESTROY VICIOUS OR FEROCIOUS ANIMALS.

Notwithstanding any other provision of this chapter, the Town Marshal or his or her officers are authorized to immediately destroy any vicious or ferocious animal which cannot be safely captured or kept in custody by usual and available means, or which is observed to be attacking a person or livestock. (Ord. 6-2008, passed 11-10-2008)

§ 91.23 PROVISIONS SUPPLEMENTAL TO STATE REGULATIONS.

The provisions of this chapter supplement all laws of the state covering the same subject matter. (Ord. 6-2008, passed 11-10-2008)

§ 91.99 PENALTY.

(A) Any person violating §§ 91.02 through 91.04, 91.13, 91.17 or 91.18 shall commit a town ordinance violation and may be fined from \$100 to \$500 per occurrence. Any other violation that falls within the chapter not covered through state or federal statute is punishable by a fine of from \$100 to \$500 per occurrence. The Town Marshall may, but is not required to, issue a warning for a violation of this chapter for any first offense hereof, and said warning will not carry a fine. The first non-warning violation of this chapter shall carry a fine of \$100, and the second non-warning violation of this chapter shall carry a fine of \$250, and the third and all subsequent non-warning violations of this chapter shall carry a fine of \$500.

(B) Violations of any offense listed in this chapter, not covered under penalty as a town ordinance violation, are punishable under the Indiana State Code, either as an infraction or as a misdemeanor.

(C) In the event that an animal is impounded by animal control pursuant to this chapter, and in addition to any other penalty set out in division (A) of this section or court costs, the owner may be responsible to reimburse the town for the cost associated with providing shelter for each impounded animal at an animal control facility or the Humane Society. The cost for providing shelter shall be the amount approved annually by the Town Council. The money shall be deposited in the General Funds of the Town subject to appropriation animal control fund. Additionally, the owner may be responsible to reimburse the town for any costs incurred for legal services in the enforcement of this chapter, including but not limited to any costs incurred for obtaining any injunction or pursuing collection of any fines issued hereunder.

(D) If a person violates a section of this chapter referred to in division (B) of this section and if such person proves to the court, within 20 days of the violation, that the violation:

(1) Has been remedied; and

(2) The person has no prior violations of this chapter, the town is not opposed to the charge being dismissed upon payment of a deferral fee of \$50.

(E) The sections of this chapter are intended to encourage the humane treatment of animals. Therefore, any court having jurisdiction of violations of this chapter is encouraged to enforce the chapter to assist the public to conform the treatment of animals within the town to the terms of this chapter.

(F) A violation of a section of this chapter shall be cited by adding the appropriate section and/or division to the citation.

(Ord. 6-2008, passed 11-10-2008)

CHAPTER 92: FAIR HOUSING

Section

- 92.01 Purposes
- 92.02 Incorporation by reference
- 92.03 Town executive to administer chapter
- 92.04 Action on complaints alleging violations of this chapter
- 92.05 Powers of town executive
- 92.06 Education and conciliation
- 92.07 Cooperation with other entities
- 92.08 Appeal

- 92.99 Penalty

§ 92.01 PURPOSES.

The purposes of this chapter are the following:

- (A) To provide for fair housing practices in the Town of Cambridge City;
 - (B) To create a procedure for investigating and settling complaints of discriminatory housing practices;
 - (C) To provide rights and remedies substantially equivalent to those granted under federal and state law; and
 - (D) To not discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin.
- (1981 Code, § 2.1501) (Ord. 1-1994, passed 2-14-1994)

§ 92.02 INCORPORATION BY REFERENCE.

Except as hereinafter modified, all of the provisions of the Indiana Fair Housing Act, being I.C. 22-9.5, as amended from time to time, are hereby incorporated by reference in this chapter as though the same were set out in full.

(1981 Code, § 2.1502) (Ord. 1-1994, passed 2-14-1994)

§ 92.03 TOWN EXECUTIVE TO ADMINISTER CHAPTER.

The town executive shall administer this chapter. The town executive is the President of the Town Council.

(1981 Code, § 2.1503) (Ord. 1-1994, passed 2-14-1994)

§ 92.04 ACTION ON COMPLAINTS ALLEGING VIOLATIONS OF THIS CHAPTER.

The town executive shall receive, investigate, seek to conciliate, and act on complaints alleging violations of this chapter.

(1981 Code, § 2.1504) (Ord. 1-1994, passed 2-14-1994)

§ 92.05 POWERS OF TOWN EXECUTIVE.

In the administration and enforcement of this chapter, the town executive shall have the power to:

(A) Investigate, conciliate, and hear complaints;

(B) Subpoena and compel the attendance of witnesses or production of pertinent documents and records;

(C) Administer oaths;

(D) Examine witnesses;

(E) Appoint hearing examiners or panels;

(F) Make findings and recommendations;

(G) Issue cease and desist orders or orders requiring remedial action;

(H) Order payment of actual damages;

(I) Institute actions for appropriate legal or equitable relief in a circuit or superior court;

(J) Adopt rules and regulations necessary to implement this chapter;

(K) Initiate complaints, except that no person who initiates a complaint may participate in the hearing or disposition of the complaint; and

(L) Conduct programs and activities to carry out the purposes of this chapter within the territorial boundaries of the town.

(1981 Code, § 2.1506) (Ord. 1-1994, passed 2-14-1994)

§ 92.06 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the town executive shall commence the educational and conciliatory activities as will further the purposes of this chapter. The town executive shall call conferences of persons of the housing industry and other interested parties to acquaint them with the provisions of this chapter and suggest means to implement it, and shall endeavor to work out programs of voluntary compliance and of enforcement.

(1981 Code, § 2.1507) (Ord. 1-1994, passed 2-14-1994)

§ 92.07 COOPERATION WITH OTHER ENTITIES.

The town executive shall cooperate with and, as appropriate, may provide technical and other assistance to federal, state, local, and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices.

(1981 Code, § 2.1508) (Ord. 1-1994, passed 2-14-1994)

§ 92.08 APPEAL.

A decision of the town executive may be appealed under the terms of I.C. 4-21.5 the same as if it was a decision of a state agency.

(1981 Code, § 2.1510) (Ord. 1-1994, passed 2-14-1994)

§ 92.99 PENALTY.

(A) The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.

(B) Notwithstanding the penalty set forth immediately above, any violation of this chapter may, if applicable, be prosecuted pursuant to Indiana law and/or federal law in any court of competent jurisdiction, and shall be subject to any applicable fines, costs, and penalties prescribed as prescribed by said laws.

(Ord. 8-2008, passed 12-8-2008)

CHAPTER 93: FIRE PREVENTION AND PROTECTION

Section

Volunteer Fire Department

- 93.01 Establishment
- 93.02 Supervision
- 93.03 Command at fires
- 93.04 Membership; organization
- 93.05 Records
- 93.06 Duties
- 93.07 Obedience to orders
- 93.08 Duties of spectators
- 93.09 Enforcement of ordinances
- 93.10 Entering firehouse
- 93.11 Service outside corporate limits
- 93.12 Service charges

Open Burning Regulations

- 93.25 Definitions
- 93.26 Prohibition
- 93.27 Exemptions
- 93.28 Variances
- 93.29 Liability for fire
- 93.30 Applicability

- 93.99 Penalty

VOLUNTEER FIRE DEPARTMENT

§ 93.01 ESTABLISHMENT.

There is hereby created and established a Volunteer Fire Department, consisting of a Chief, and any other members as may from time to time be provided for by the Town Council.
(1981 Code, § 4.201)

§ 93.02 SUPERVISION.

The Fire Chief shall have the control, subject to the order and direction of the Town Council, of the Fire Department and all fire apparatus belonging to the town. Whenever any fire apparatus needs repairing, the Fire Chief shall cause the same to be done without delay.

(1981 Code, § 4.202)

§ 93.03 COMMAND AT FIRES.

In case of fire, the Fire Chief and his or her assistants shall rank in the order named and the officer of the highest rank at the fire shall take command of the Fire Department, and direct the management thereof for the suppression of the fire in the best manner possible; and when it may be necessary for the protection of other property and to prevent the spread of the conflagration, the officer in command may cause buildings to be removed, torn down, or destroyed in the best manner possible.

(1981 Code, § 4.203)

§ 93.04 MEMBERSHIP; ORGANIZATION.

The Fire Department shall consist of so many members as may be authorized by the Town Council. The Fire Department may have any organization approved by the Town Council, and may hold meetings and engage in social activities with the approval of the Town Council. The Secretary of the Fire Department, if any is elected or appointed, shall keep a record of all meetings and shall make a report to the Town Council of all meetings and all activities of the Fire Department. No officer shall be elected or appointed within the organization of the Fire Department without the approval of the Town Council.

(1981 Code, § 4.204)

§ 93.05 RECORDS.

The Fire Chief shall keep or cause to be kept a record of all meetings of the company and the attendance of the members, a record of all fires, and shall, at least monthly, render a full report of the records and attendance and fires to the Town Council.

(1981 Code, § 4.205)

§ 93.06 DUTIES.

It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires and to prevent the occurrence or spread of the fires.

(1981 Code, § 4.206)

§ 93.07 OBEDIENCE TO ORDERS.

It shall be unlawful for any firefighter in attendance at a fire or for any person present at a fire to neglect or refuse to obey the officer in command at the fire.

(1981 Code, § 4.207) Penalty, see § 93.99

§ 93.08 DUTIES OF SPECTATORS.

Every male person above the age of 18 years who shall be present at a fire shall be subject to the orders of the officer in command at the fire and shall render all assistance in his or her power, and in the manner as may be directed in the extinguishment of the fire, and in the removal of and protection of property, and it shall be unlawful for any person to refuse to obey the orders, provided that no person shall be bound to obey any such officer, unless the officer's official character shall be made known to the person.

(1981 Code, § 4.208) Penalty, see § 93.99

§ 93.09 ENFORCEMENT OF ORDINANCES.

It shall be the duty of all officers of the Fire Department and all police officers of the town to see that the provisions of this subchapter are enforced and to arrest on view any person who shall be found violating any of the provisions of this subchapter or who shall hinder, resist, or refuse to obey any such officer in the discharge of his or her duty, and to that end all the officers are hereby vested with the usual power and authority of police officers.

(1981 Code, § 4.209)

§ 93.10 ENTERING FIREHOUSE.

It shall be and hereby is declared unlawful for any person or persons to enter the firehouse or any place where the equipment and apparatus of the Fire Department is stored, at any time, except on authorized business pertaining to the Fire Department or other authorized town business.

(1981 Code, § 4.210) Penalty, see § 93.99

§ 93.11 SERVICE OUTSIDE CORPORATE LIMITS.

Members of the Fire Department are authorized to go outside the corporate limits of the town for the purpose of rendering aid to other Fire Departments or rendering aid in the case of accidents. Provided, that the Fire Department shall not render the service outside the corporate limits excepting upon the orders of the Chief of the Fire Department, the Assistant Chief, or the Town Council; excepting that where the town has undertaken by contract to render service to property outside the corporate limits the Fire Department may leave the corporate limits in fulfillment of the contract.

(1981 Code, § 4.211)

§ 93.12 SERVICE CHARGES.

(A) Pursuant to I.C. 36-8-12-13 and I.C. 36-8-12-16 the Fire Department shall collect a service charge according to the schedule of charges adopted herein from the property owner, owner of a vehicle, or other responsible party, that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire; and/or the property owner or other responsible party of any other property which is subject to a fire resulting from an "illegal burn" (as that term is defined either by the Indiana State Fire Marshal or by separate rules and regulations of the Fire Department) and receives general services from the Fire Department, so long as the following conditions are met:

(1) To the extent the services are rendered outside the town boundaries, notice of the applicable charges has been given to the political subdivisions served by the Fire Department.

(2) A property owner has not sent written notice to the Fire Department that it refuses any services that would otherwise have been provided by the Department.

(3) The property owner or other responsible party is billed for the service charge, with the shown certification and approval by the Fire Chief, within 30 days after the services are provided, and is provided a copy of the Fire Incident Report along with such billing.

(4) The billing to the property owner or other responsible party contains language that any questions regarding such billing must be submitted to the Fire Department, with a copy to the Town Clerk.

(B) All monies received pursuant to this section as fire sendees charges shall be deposited in either the town's General Fund, or any separate fund established solely for the Fire Department, but in either event, may only be used for the purchase of equipment, buildings, and/or property for fire fighting, fire protection, or other emergency services, which may include deposit in any township fire fighting fund established under I.C. 36-8-13-4.

(C) The following services charges are hereby adopted and shall apply to any billing submitted pursuant to this section.

(1) For initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident, \$250 per response vehicle except a command/control vehicle, which is \$100 per vehicle.

(2) For each hour or fraction thereof as on-scene assistance, \$150 per response unit and \$50 per command/control vehicle.

(3) For expendable material such as absorption materials, emulsifiers, or other agents used in cleanup operations, the actual replacement cost of those materials.

(4) For collection of debris, chemicals, fuel, or contaminated materials resulting from a spill, the actual cost of removal and disposal at an authorized location.

(D) Notwithstanding any terms to the contrary herein, no charges for services rendered by the Fire Department shall apply if such services are provided solely as a result of any "mutual aide assistance" provided by the Fire Department to another Fire Department as part of another unit of government, whether this relates to a "hazardous waste" form of fire, or a fire resulting from an "illegal burn".

(E) The Town Council hereby authorizes and directs the Clerk to publish notice of the adopted schedule of charges herein and the adoption of this section according to law.
(Ord. 4-2013, passed 9-16-2013)

OPEN BURNING REGULATIONS

§ 93.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. All putrescible animal solid, vegetable solid, and semi-solid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

INCINERATOR. A mechanical facility used to burn waste substances where combustion factors of temperature, retention time, and air are controlled.

MATERIAL. Includes all biodegradable and nonbiodegradable substances including garbage, rubbish, ashes, commercial, industrial, and institutional wastes, wood and wood products.

NATURAL GROWTH. Trees, brush, or other vegetation in its natural state, either dead or alive.

NONCOMBUSTIBLE CONTAINER. A container that can withstand a temperature of 1,500°F.

OPEN. As used in ***OPEN BURNING***, means:

- (1) The products of combustion are emitted directly into the open air without passing through a stack or chimney; or
- (2) Combustion occurs in a device other than an approved incinerator or boiler.

OPEN BURNING. The combustion of any matter in the open or in an open dump.

STACK or ***CHIMNEY.*** A flue or conduit connecting an enclosed device with the open air which permits particles or gases to escape.

WOOD PRODUCTS. Material derived from or consisting of wood or vegetation such as paper, cardboard, rags, boards, branches, brush, grass, leaves, and similar materials.
(1981 Code, § 4.901) (Ord. 3-1983, passed 10-10-1983)

§ 93.26 PROHIBITION.

No person shall open burn any material except as provided in §§ 93.27 or 93.28.
(1981 Code, § 4.902) (Ord. 3-1983, passed 10-10-1983) Penalty, see § 93.99

§ 93.27 EXEMPTIONS.

(A) The following types of fires are permitted:

- (1) Fires celebrating Twelfth Night ceremonies;
- (2) Fires celebrating school pep rallies;
- (3) Fires celebrating scouting activities;
- (4) Fires used for recreational and cooking purposes, i.e., camp fires; and

(5) Residential burning, where the residence contains four or fewer units. Burning shall be in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings no larger than one-fourth inch square. Burning is prohibited in apartment complexes and mobile home parks.

(B) All of the foregoing exemptions shall be subject to the following.

- (1) Only wood products shall be burned, unless otherwise stated above.
- (2) Fires shall be attended at all times until completely extinguished.
- (3) If fires create an air pollution problem, a nuisance, or a fire hazard, they shall be extinguished.
- (4) All burning shall occur during daylight hours during which the fires may be replenished, but only in such a manner that nearly all of the burning material is consumed by sunset.

(5) No burning shall be conducted during unfavorable meteorological conditions, such as temperature inversions, high winds, air stagnation, and the like.
(1981 Code, § 4.903) (Ord. 3-1983, passed 10-10-1983) Penalty, see § 93.99

§ 93.28 VARIANCES.

Burning with prior approval of the Fire Chief may be authorized for the following:

(A) Emergency burning of spilled petroleum products;

(B) Burning of refuse consisting of material resulting from a natural disaster;

(C) Burning for the purpose of fire training;

(D) Burning of natural growth derived from a clearing operation, i.e., removal of natural growth for change in use of the land; and

(E) Burning of highly explosive or other dangerous material.

(1981 Code, § 4.904) (Ord. 3-1983, passed 10-10-1983)

§ 93.29 LIABILITY FOR FIRE.

Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution may not refute liability for violation of this subchapter on the basis that the fire was accidental or an act of God, or that it was set by vandals.

(1981 Code, § 4.905) (Ord. 3-1983, passed 10-10-1983)

§ 93.30 APPLICABILITY.

The regulations contained in this subchapter shall not apply in areas where acts permitted by § 93.27 or authorized by variance pursuant to § 93.28 are prohibited by other state and/or local laws, regulations, or ordinances.

(1981 Code, § 4.906) (Ord. 3-1983, passed 10-10-1983)

§ 93.99 PENALTY.

The penalty for the violation of any provision of this Chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.

(Ord. 8-2008, passed 12-8-2008)

CHAPTER 94: LITTER CONTROL

Section

General Provisions

- 94.001 Definitions
- 94.002 Enforcement
- 94.003 Abatement of nuisance

Littering Streets

- 94.015 Conveyance of material

Maintenance of Property

- 94.030 Litter collection and storage areas; clean condition
- 94.031 Duty to collect litter before it is carried from the premises
- 94.032 Neglected premises visible to the public
- 94.033 Areas around business premises; clean conditions
- 94.034 Loading or unloading docks
- 94.035 Construction sites; clean condition
- 94.036 Sidewalks and alleys
- 94.037 Unemptied garbage containers
- 94.038 Neglected refuse containers; contractor

Litter Receptacles

- 94.050 Public places
- 94.051 Parking lots
- 94.052 Private premises
- 94.053 Specifications
- 94.054 Periodic emptying of receptacles
- 94.055 Prevention of scattering
- 94.056 Upsetting or tampering with receptacles
- 94.057 Litter receptacles obstructing traffic
- 94.058 Exterior of litter receptacles
- 94.059 Receptacles to be provided by the town
- 94.060 Interpretation

Handbills

- 94.075 Throwing or distributing handbills in public places
- 94.076 Placing handbills in vehicles
- 94.077 Distribution of handbills on vacant private premises
- 94.078 Premises posted against handbill distribution
- 94.079 Manner of handbill distribution on inhabited private premises
- 94.080 Clean-up
- 94.081 Activities exempt from the application of this subchapter
- 94.082 Handbill to contain the names and addresses of printer and sponsor
- 94.083 Owner of premises not to permit its use for unlawful advertising
- 94.084 Construction of this subchapter with other laws

- 94.999 Penalty

GENERAL PROVISIONS**§ 94.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL HANDBILL. Any handbill which:

- (1) Advertises anything for sale, or promotional gifts or prizes;
- (2) Directs attention to any business or other activity for the purpose of either directly or indirectly promoting the interests thereof by sales or by other means;
- (3) Directs attention to or advertises any meeting, exhibition, theatrical or other performance, or event of any kind for which an admission fee is charged; or
- (4) While containing reading or pictorial matter other than advertising matter is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

CONSTRUCTION SITES. Any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.

ELEMENTS. Any force which with reasonable foreseeability could carry litter from one place to another.

HANDBILL. Any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed matter or literature which is not delivered by United States mail, except that **HANDBILL** shall not include a newspaper.

LITTER. Any uncontainerized human-made or human-used waste deposited within the town otherwise than in a litter receptacle. **LITTER** may include, but is not limited to, any garbage, trash, refuse, confetti, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

LITTER RECEPTACLES. Any container which is designed to receive litter and to prevent the escape of litter deposited therein and which is of the size or sufficient capacity to hold all litter generated between collection periods.

LOADING or UNLOADING DOCKS. Any dock space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities, and persons.

NEWSPAPER. Any newspaper of general circulation, as defined by law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold or distributed to the public.

PARK. A public or private park, reservation, playground, recreation center, or any public or private area devoted to active or passive recreation, or any other area under the supervision of the town.

PARKING LOTS. Any private or public property with provisions for parking vehicles, to which the public is invited or which the public is permitted to use or which is visible from any public place or private premises.

PERSON. Any natural person, firm, partnership, association, corporation, company, not-for-profit organization, or any governmental entity.

PRIVATE PREMISES. Any dwelling house, building, or other structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to the dwelling house, building, or other structure.

PUBLIC PLACE. Any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and parks, squares, plazas, grounds, and buildings frequented by the general public, whether publicly or privately owned.

(1981 Code, § 4.801) (Ord. 6-1982, passed 3-8-1982)

§ 94.002 ENFORCEMENT.

Regulations set forth in this chapter shall be enforced by the Police Department.
(1981 Code, § 4.802) (Ord. 6-1982, passed 3-8-1982)

§ 94.003 ABATEMENT OF NUISANCE.

The accumulation of litter on any private premises is hereby declared to be a nuisance. The Superintendent of Public Works or his or her designee shall abate each such nuisance at the expense of the owner or occupant of the premises in the manner provided by ordinance for abatement of environmental nuisances, if the owner or occupant fails after receiving notice in the time and manner provided by the ordinance on environmental nuisances to remove the litter or confine it in a container complying with this chapter. Payment of the expenses of abating the nuisance shall not relieve any person from paying the fine provided for violation of this chapter.
(1981 Code, § 4.803) (Ord. 6-1982, passed 3-8-1982)

LITTERING STREETS**§ 94.015 CONVEYANCE OF MATERIAL.**

No person shall convey any material over any street or public way in a manner that causes or permits the litter to fall on a street or public way.
(1981 Code, § 4.804) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

MAINTENANCE OF PROPERTY**§ 94.030 LITTER COLLECTION AND STORAGE AREAS; CLEAN CONDITION.**

Every owner, occupant, or lessee of a house or building used for residence, business, or commercial purpose shall maintain litter collection and storage areas so that no litter is outside of containers.
(1981 Code, § 4.805) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.031 DUTY TO COLLECT LITTER BEFORE IT IS CARRIED FROM THE PREMISES.

All litter that is subject to movement by the elements or by animals shall be secured by the owner of the premises where it is found before the same is removed by the elements or by animals to adjoining premises.

(1981 Code, § 4.806) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.032 NEGLECTED PREMISES VISIBLE TO THE PUBLIC.

It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain the premises in a reasonably litter free condition.

(1981 Code, § 4.807) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.033 AREAS AROUND BUSINESS PREMISES; CLEAN CONDITIONS.

The owner or person in control of any place open to the public, including, but not limited to, restaurants, shopping centers, fast-food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, and hospitals and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily cleanup of the premises, to prevent litter from being carried by the elements or by animals to adjoining premises or to any street or other public place.

(1981 Code, § 4.808) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.034 LOADING OR UNLOADING DOCKS.

The person, firm, company, or corporation owning, operating, or in control of a loading or unloading dock shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried by the elements or by animals to adjoining premises.

(1981 Code, § 4.809) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.035 CONSTRUCTION SITES; CLEAN CONDITION.

The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried by the elements or by animals to adjoining premises. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers which will prevent litter from being carried to adjoining premises.

(1981 Code, § 4.810) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.036 SIDEWALKS AND ALLEYS.

No person owning, occupying, or controlling any premises shall permit any litter to spread from the premises to an adjacent public sidewalk or public alley, and if any litter does spread to a public sidewalk or alley the owner, occupant and person in control of the premises shall immediately clean up all the litter. The owner, occupant, and person in control shall be responsible for complying with this section. (1981 Code, § 4.811) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.037 UNEMPTIED GARBAGE CONTAINERS.

It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste, or garbage which has been containerized in accordance with a contract for its removal to allow that refuse, waste, or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or to allow that container to remain unemptied for longer than 14 days or after that refuse, waste, or garbage creates any condition which is offensive due to odor, attraction of vermin, or danger to health. (1981 Code, § 4.812) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.038 NEGLECTED REFUSE CONTAINERS; CONTRACTOR.

It shall be unlawful for any person who has contracted to collect and remove refuse, waste, or garbage to allow that refuse, waste, or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or in any case to allow that container to remain unemptied for longer than 14 days or in any case until after that refuse, waste, or garbage creates any condition which is offensive due to odor, attraction of vermin, or danger to health. If any contractor fails to comply with this section, the Superintendent of Public Works may proceed at the contractor's expense, after notice, in the manner provided in the ordinance on abatement of environmental nuisances. (1981 Code, § 4.813) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

LITTER RECEPTACLES**§ 94.050 PUBLIC PLACES.**

Every owner, occupant, tenant, or lessee using or occupying any public place shall provide adequate litter receptacles of sizes, numbers, and types as required to contain all litter generated by those persons frequenting that public place. (1981 Code, § 4.814) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.051 PARKING LOTS.

Any parking lot shall be equipped with litter receptacles in compliance with this section.
(1981 Code, § 4.815) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.052 PRIVATE PREMISES.

The owner or person in control of private premises shall maintain as many litter receptacles as necessary and in such a manner that litter will be prevented from being carried by the elements or by animals to adjoining premises.
(1981 Code, § 4.816) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.053 SPECIFICATIONS.

Litter receptacles shall comply in size, material, and all other characteristics with the specification of regulations made from time to time by ordinance for refuse containers.
(1981 Code, § 4.817) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.054 PERIODIC EMPTYING OF RECEPTACLES.

All litter shall be removed periodically from litter receptacles as necessary to comply with this chapter.
(1981 Code, § 4.818) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.055 PREVENTION OF SCATTERING.

Persons placing litter in litter receptacles shall do so in such manner as to prevent litter from being carried from the receptacles by the elements or by animals.
(1981 Code, § 4.819) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.056 UPSETTING OR TAMPERING WITH RECEPTACLES.

No person shall cause the removal, upsetting, mutilation, defacing, or tampering with litter receptacles or cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises.
(1981 Code, § 4.820) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.057 LITTER RECEPTACLES OBSTRUCTING TRAFFIC.

Litter receptacles shall not be placed in any location where they may obstruct vehicular traffic or unreasonably obstruct pedestrian traffic.

(1981 Code, § 4.821) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.058 EXTERIOR OF LITTER RECEPTACLES.

Litter receptacles located on publicly-owned property shall be conspicuously identified and shall be free of commercial advertising. The name of a civic group furnishing a litter receptacle may be placed on the receptacle.

(1981 Code, § 4.822) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.059 RECEPTACLES TO BE PROVIDED BY THE TOWN.

In the Central Business District and in any other areas as the Street Department may deem advisable, it may cause to be placed in convenient places litter receptacles, to be provided and serviced either by contract or by direct operation by the town. The Street Department may also cooperate with any merchants' association or civic group by permitting the placing by the merchants' association or civic group of litter receptacles in the same or in any other area of the town.

(1981 Code, § 4.823) (Ord. 6-1982, passed 3-8-1982)

§ 94.060 INTERPRETATION.

This chapter shall not be interpreted as repealing or relaxing any standards set by ordinance.

(1981 Code, § 4.824) (Ord. 6-1982, passed 3-8-1982)

HANDBILLS**§ 94.075 THROWING OR DISTRIBUTING HANDBILLS IN PUBLIC PLACES.**

No person shall throw, scatter, or cast any kind of handbill in or upon any public place within the town; provided, however, it shall not be unlawful for any person to hand out or distribute handbills in any public place to any person willing to accept the handbill.

(1981 Code, § 4.825) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.076 PLACING HANDBILLS IN VEHICLES.

No person shall deposit, fasten, throw, scatter, or cast any handbill in or upon any vehicle. The provisions of this section shall not be deemed to prohibit the handing of any noncommercial handbill to the owner or other occupant of any vehicle who is willing to accept.
(1981 Code, § 4.826) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.077 DISTRIBUTION OF HANDBILLS ON VACANT PRIVATE PREMISES.

No person shall place any handbill in or upon any private premises which are vacant.
(1981 Code, § 4.827) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.078 PREMISES POSTED AGAINST HANDBILL DISTRIBUTION.

No person shall place any handbill upon any premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing notice indicating that the occupants of the premises do not desire to have any such handbills left upon the premises.
(1981 Code, § 4.828) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.079 MANNER OF HANDBILL DISTRIBUTION ON INHABITED PRIVATE PREMISES.

No person shall place any handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to any other person then present in or upon the private premises. However, in case of inhabited private premises which are not posted against handbill distribution as provided in this subchapter, any person, unless requested by someone upon the premises not to do so, may place or deposit any handbill in or upon the inhabited private premises, if the handbill is placed or deposited so as to prevent it from being carried by the elements about the premises or elsewhere.
(1981 Code, § 4.829) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.080 CLEAN-UP.

Any person distributing handbills shall maintain the area which they are utilizing free of any litter caused by the handbill distribution.
(1981 Code, § 4.830) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.081 ACTIVITIES EXEMPT FROM THE APPLICATION OF THIS SUBCHAPTER.

The provisions of this subchapter shall not be deemed to apply to the distribution of mail by the United States, or to the distribution of newspapers.

(1981 Code, § 4.831) (Ord. 6-1982, passed 3-8-1982)

§ 94.082 HANDBILL TO CONTAIN THE NAMES AND ADDRESSES OF PRINTER AND SPONSOR.

It shall be unlawful for any person to distribute any handbill in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the names and addresses of the following:

(A) The person who printed, wrote, compiled, or manufactured the handbill; and

(B) The person who caused the handbill to be distributed.

(1981 Code, § 4.832) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.083 OWNER OF PREMISES NOT TO PERMIT ITS USE FOR UNLAWFUL ADVERTISING.

It shall be unlawful for the owner, lessee, or occupant of any premises to permit any person, whether licensed or acting under the terms of this subchapter or otherwise, to attach to any building structure or fixture located upon the premises or to deposit or keep upon, or to distribute from his or her premises, any poster or handbill containing any matter prohibited by the terms of this subchapter or by state or federal law.

(1981 Code, § 4.833) (Ord. 6-1982, passed 3-8-1982) Penalty, see § 94.999

§ 94.084 CONSTRUCTION OF THIS SUBCHAPTER WITH OTHER LAWS.

This subchapter shall not be deemed to repeal, amend, or modify any provision of this code or other town ordinance prohibiting, regulating, or licensing any person using the public streets or places for any private business or enterprise.

(1981 Code, § 4.834) (Ord. 6-1982, passed 3-8-1982)

§ 94.999 PENALTY.

The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.

(Ord. 8-2008, passed 12-8-2008)

CHAPTER 95: PUBLIC WAYS

Section

- 95.01 Obstruction of public ways prohibited
- 95.02 Use of public ways under repair
- 95.03 Prohibited location of utilities in public ways
- 95.04 Excavation in public ways

- 95.99 Penalty

§ 95.01 OBSTRUCTION OF PUBLIC WAYS PROHIBITED.

No person shall obstruct, or permit anything to obstruct, or endanger the free passage or proper use by the public of any street, alley, sidewalk, crosswalk, bridge, or entrance to any church, school, theater, hotel, or public building, except as may be necessary while loading or unloading persons, merchandise, or materials, and except as may be permitted under this chapter.

(1981 Code, § 5.1001) (Ord. 6-1995, passed 12-11-1995) Penalty, see § 95.99

§ 95.02 USE OF PUBLIC WAYS UNDER REPAIR.

No person shall drive any vehicle on any public way under repair except by permission of the person in charge of the repairs, or except to reach or leave any property not otherwise accessible. No person shall injure, remove, or tamper with any material, equipment, or guards used in the construction or repair of any public way.

(1981 Code, § 5.1002) (Ord. 6-1995, passed 12-11-1995) Penalty, see § 95.99

§ 95.03 PROHIBITED LOCATION OF UTILITIES IN PUBLIC WAYS.

No underground utilities except service lines to buildings and meter boxes for those utilities shall be located between a sidewalk and a curb in any public way.

(1981 Code, § 5.1003) (Ord. 6-1995, passed 12-11-1995) Penalty, see § 95.99

§ 95.04 EXCAVATION IN PUBLIC WAYS.

(A) *Permit required.* No person shall dig or make an excavation of any kind in any street, alley, sidewalk, or other public way of the town, without having first obtaining a written permit therefor from the Town Clerk-Treasurer. For purposes of this chapter, an applicant for a permit shall obtain one permit for each town block in which work is to be performed; however, the applicant may obtain one permit for a planned construction project as long as the plans and specifications for that planned construction project are included with the initial permit application, and are clearly identified as a single construction project, and the application for a single construction project permit is made at least seven days prior to the start of construction.

(B) *Application for permit.* An applicant for an excavation permit shall execute, in triplicate, a written application to be furnished by the Public Works Superintendent, containing the following information:

(1) The date when the proposed excavation is to be made and the estimated time for completion of the work necessitating the excavation;

(2) The location of the area where the excavation is to be made and the purpose of the excavation; and

(3) The approximate dimensions of the excavation.

(C) *Agreement of applicant.*

(1) By his or her application, the applicant agrees to the following specifications to fill, close, seal, and resurface the excavation:

(a) To backfill the opening of a street, alley, or sidewalk with clean gravel or stone; to tamp in the top of that part of the excavation which is in the traveled portion of a street, alley, or sidewalk; and to maintain the surface which has been disturbed in a smooth and uniform condition for a period of 52 weeks after traffic is again permitted to pass over the filled excavation, unless otherwise specifically provided;

(b) If permanent paving materials are readily available, to resurface all openings within 20 days of the refill. If permanent materials are not available, temporarily seal all openings within three days after work is completed, and when permanent paving materials are readily available, to resurface permanently within 30 days;

(c) To adjust to grade all utility manholes or valves in the roadway of a street or alley either before, while, or immediately after permanent improvements are made;

(d) To stop the work at any time on request of the Public Works Superintendent;

(e) To resurface with the same kind of material removed by cutting;

(f) To haul from the project all unused material used in the refill; and

(g) To notify the Public Works Superintendent of the date of cutting and refill for proper Inspection. All work must be approved by the Public Works Superintendent when completed.

(2) The applicant further agrees that in the event the excavation is not properly filled, closed, and sealed or resurfaced pursuant to the established standards and regulations of the Public Works Superintendent and after due notice from the Public Works Superintendent of the defects or omissions, the applicant shall immediately proceed to correct the defects and omissions in the closing of the excavation.

(3) In the event that street excavations are not properly filled, closed, and sealed in accordance with the foregoing provisions, the Public Works Superintendent shall proceed to properly close and resurface the excavation, and shall bill the applicant for the cost of labor and material required to properly close and resurface the excavation. The applicant agrees to reimburse the town for costs so incurred.

(4) The applicant agrees to erect and maintain, as safeguards and warnings to the public, proper and adequate guards and sufficient and adequate warning lights about the work and excavation until the project is complete and the surface is properly restored.

(5) In consideration of the grant of a permit for a street cut or excavation, the applicant agrees to indemnify, defend, and hold harmless the Town of Cambridge City, Indiana, its officers and employees from any liability due to damage or injuries to the person or property of anyone on or off the right-of-way arising out of or resulting from the issuance of this permit or the work connected therewith caused by or resulting from the negligence of applicant, its agents, employees, or subcontractors engaged in the performance of the work or the joint negligence of any of them. The applicant also agrees to pay all reasonable expenses and attorney fees incurred by or imposed on the town arising out of a lawsuit filed against the town for damages, provided a court of competent jurisdiction makes a determination that the applicant, its agent, employees, or subcontractors have been guilty of negligence in pursuance of the work resulting from the issuance of a permit for a street cut or excavation, which negligence caused damage to the prevailing, aggrieved, party, provided the town was not guilty of independent or concurring negligence.

(6) The applicant agrees to make the excavation within a period of 30 days after issuance of the permit.

(D) *Issuance of permit; fee.* Before issuing a permit to any person, the Public Works Superintendent shall:

(1) Require the applicant to file with the Town Clerk-Treasurer an insurance policy, or a certificate showing insurance to be in effect, issued by a responsible insurance carrier to protect the applicant and the town from personal and property damage arising from or caused or affected to any extent by any excavation made pursuant to the permit;

(2) Check the records of the town to ascertain whether the applicant has ever failed to reimburse the town for any work or materials furnished by the town in the filling and resurfacing of any excavation made by the applicant on a previous permit. In the event that the town records disclose any unpaid account owed by the applicant the permit shall not be granted until payment is made in full;

(3) Require the payment of a \$25 permit fee to the Town Clerk-Treasurer;

(4) Thereafter the Public Works Superintendent shall issue a permit to the applicant and the permit shall contain the name of the applicant, the date of issuance of the permit, the place where the excavation is to be made, and the approximate dimensions thereof. The permit shall be authority to break the street, alley, or sidewalk specified therein; and

(5) On the issuance of a permit, the Public Works Superintendent and Town Controller shall mark each copy of the application "Approved and Permit Issued" to which he or she shall also note the date of issuance and his or her signature. The original shall be retained by the Public Works Superintendent, a copy shall be delivered to the Town Clerk-Treasurer, and a copy shall be issued to the applicant.

(E) *Emergencies.* In the event of an emergency requiring the immediate excavation of a street, alley, or sidewalk, any person may proceed to open or make the excavation necessary to alleviate the condition causing the emergency without first applying for and being granted a permit. However, within 48 hours after making the excavation, the person shall make application for a permit as set forth above.

(F) *Inspection.* The Public Works Superintendent shall inspect each project for which a permit has been issued to determine whether proper safeguards and lights may have been installed, to see that the excavation is properly closed and resurfaced, and to give notice and properly close and resurface the opening or excavation in the event that the restoration is not completed within a reasonable time or is inadequately or improperly completed by the permittee. On final inspection, the Public Works Superintendent shall note on his or her copy of the application the completion of the project. He or she shall further note any moneys expended by the town on behalf of the permittee in completing the project and shall immediately inform the Town Clerk-Treasurer of the expenditures, who shall then bill the applicant for same.

(1981 Code, § 5.1004) (Ord. 6-1995, passed 12-11-1995) Penalty, see § 95.99

§ 95.99 PENALTY.

The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.
(Ord. 8-2008, passed 12-8-2008)

CHAPTER 96: CEMETERIES

Section

Capital Hill Cemetery

- 96.01 Recognition and use
- 96.02 Care

Riverside Cemetery

- 96.15 Purchase and sale of grave spaces
- 96.16 Ownership and title of grave spaces
- 96.17 Care and management
- 96.18 Privileges and restrictions
- 96.19 Rules for visitors
- 96.20 Interments
- 96.21 Removals
- 96.22 Stones and monuments
- 96.23 Vaults and mausoleums
- 96.24 Trees, shrubs, and flowers
- 96.25 Fees, charges, and payments

- 96.99 Penalty

CAPITOL HILL CEMETERY

§ 96.01 RECOGNITION AND USE.

The Capitol Hill Cemetery (formerly known as the Old Cemetery), donated in the year 1836 by Ira Lackey and George Graham to the inhabitants of the town as a burying ground, as shown by the original recorded plat is recognized and incorporated as property of the town, but no further burials shall be permitted therein.

(1981 Code, § 6.301) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983)

§ 96.02 CARE.

The town shall care for the cemetery in perpetuity.
(1981 Code, § 6.302) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983)

RIVERSIDE CEMETERY**§ 96.15 PURCHASE AND SALE OF GRAVE SPACES.**

(A) All sections of Riverside Cemetery not heretofore sold by lots will be platted into individual grave spaces of a uniform size measuring five feet by ten feet.

(B) Grave spaces in the cemetery shall be sold by the Town Clerk-Treasurer, and all monies shall be paid to the Clerk-Treasurer who shall issue a proper receipt therefor.

(C) The Town Clerk-Treasurer shall faithfully keep a record of all the grave spaces in the cemetery, and the date of all sales of grave spaces, the persons to whom sold, and the prices agreed to be paid, and shall note all transfers of the grave spaces, which record shall at all times be open to inspection by any owner or other proper applicant.

(1981 Code, § 6.303) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983)

§ 96.16 OWNERSHIP AND TITLE OF GRAVE SPACES.

(A) Upon payment of the full purchase price of a grave space, the town will issue a cemetery deed under its seal, and will record the deed in the records of the town as evidence of ownership of the grave space.

(B) All deeds when executed and delivered shall be construed as granting to the purchaser only the right to use the grave space for burial purposes for the interment of himself or herself, his or her family, his or her relatives and descendants, and any other persons as in his or her lifetime he or she shall have procured the permission of the Town Council to bury thereon.

(C) Other than through inheritance, as evidenced by a Last Will and Testament or applicable trust, or upon a lifetime transfer to a family member, in which case no prior approval is necessary, the burial right shall not be transferable, either by voluntary or involuntary conveyance, without the express consent of the Town Council, and any transfer so authorized shall be made only through and by the Town Clerk/Treasurer.

(1981 Code, § 6.304) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983; Ord. 8-2011, passed 3-12-2012)

§ 96.17 CARE AND MANAGEMENT.

(A) The Superintendent of Public Works shall be the sexton for the cemetery and he or she shall have authority to supervise all work done and to enforce all rules and ordinances adopted by the Town Council for the management of the cemetery.

(B) The cemetery shall be maintained by the Town of Cambridge City as a public cemetery, and all landscaping, care of grounds, and other work in the cemetery will be done by the town.

(1981 Code, § 6.305) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983)

§ 96.18 PRIVILEGES AND RESTRICTIONS.

(A) Each grave space in the cemetery will, prior to its sale, be suitably marked by the town.

(B) No person except the sexton and his or her assistants, or persons authorized by the Town Council, shall dig any grave or perform any work for a consideration in the cemetery, except as herein provided.

(C) The sexton or his or her assistants or any person authorized by the Town Council shall have the right to enter upon or cross over any grave space in the cemetery in the performance of their duties or normal cemetery operation, and they shall have the right to fill up any grave, level any mound, sow grass seed, or place sod when the work will add to the convenience of mowing the grass or caring for any grave space.

(D) No walls, hedges, fences, or enclosures of any kind will be permitted on or around grave spaces. Wooden boxes, glass jars, bottles, cans, and other unsightly objects will not be permitted and when used will be removed by the town without notice. Further, all items not placed on a monument's permanent foundation will be immediately removed by the town, without notice.

(E) Grave spaces shall not be used for any other purpose than a place of burial of the dead, and only one person may be buried in any area of a lot not exceeding 50 sq. ft. (excluding the "infant section")

described in division (G)); provided, with the approval of the lot owner, up to two cremation urns may also be placed within such area and if such area is not also being used with a vault, a total of three cremation urns may be buried upon such area. On any older lot exceeding 50 sq. ft., the above conditions shall apply for each applicable 50 sq. ft. area therein.

(F) The town or its employees assume no liability for damages or mental anguish in the performance of its normal operations, or loss by vandalism or other acts beyond its reasonable control.

(G) In addition to the normal lots within the cemetery, a special section with smaller lots of four feet by five feet shall be available solely for the purpose of the burial of "infants". For purposes of this section, an *INFANT* shall be defined as any person five years of age or less. In this section, no additional or extra urns or vaults shall be allowed.

(1981 Code, § 6.306) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983; Ord. 8-2011, passed 3-12-2012) Penalty, see § 96.99

§ 96.19 RULES FOR VISITORS.

(A) The cemetery will be open to visitors at all times between the hours of 7:00 a.m. and sunset. Permission to enter the cemetery at any other time must be obtained from the sexton.

(B) Persons of picnic parties with refreshments will not be permitted.

(C) Dogs and horses will not be allowed in the cemetery.

(D) Firearms are not permitted in the cemetery except at military funerals.

(E) Visitors are required to use the walks and drives and are forbidden to trespass on grave spaces, or pick any flowers (either wild or cultivated) or injure any shrub, tree or plant, or mar or deface any monument, stone, or structure in the cemetery.

(F) No person shall operate a motor vehicle in any area in the cemetery at a speed in excess of ten mph.

(G) No person shall operate a motor vehicle exceeding 20,000 pounds gross vehicle weight upon the paved driveways in the cemetery.

(1981 Code, § 6.307) (Ord. 1-1991, passed 7-8-1991) Penalty, see § 96.99

§ 96.20 INTERMENTS.

(A) All persons wishing to make interments in the cemetery must furnish to the Town Clerk-Treasurer a statement of the name, age, date of death, and date of interment of the person to be buried, so that an accurate record of same may be made on the books of the cemetery.

(B) No burial will be permitted until a permit is issued therefor by the County Board of Health.

(C) All graves shall be dug by the town under the direction of the sexton.

(D) A charge for opening and closing a grave will be made as provided herein, which charge shall be paid in advance of interment.

(E) No grave shall be dug or burial made on Sunday except in case of an emergency and then only with the express consent of the Town Council. An additional charge for Sunday burials shall be made as herein provided.

(F) The Town Council through the sexton shall designate the direction in which graves shall be dug in any section of the cemetery.

(G) No burial shall be made unless the casket be placed in a concrete or metal vault with reinforced top, except that infants may be buried in a combination casket-vault unit constructed of high impact fiberglass or polystyrene material of sufficient strength to support the earth load thereon and having an air and watertight seal.

(H) As soon as flowers, wreaths, emblems, and the like, used at funerals, become unsightly and faded, they will be removed and no responsibility for their protection or maintenance is assured. (1981 Code, § 6.308) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983)

§ 96.21 REMOVALS.

(A) Removal of bodies from graves in the cemetery will be made only with the express consent of the Town Council in accordance with requirements of the statutes of the state and the rules of the State Board of Health.

(B) All removals will be made by the town under the supervision of a licensed embalmer.

(C) Charges made by the town for removal will be made in accordance with the difficulty of the work and are payable in advance.

(D) For sanitary reasons, graves will not be reopened for inspection except for official investigation. (1981 Code, § 6.309) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983)

§ 96.22 STONES AND MONUMENTS.

(A) The owner of each grave space shall have the right to erect suitable monuments or markers upon his or her grave space.

(B) If any monument, effigy, or structure, or any inscription, be placed in or upon any grave space, which shall be deemed by the Town Council to be offensive, improper, or injurious to the appearance of the grounds, the sexton shall have the right to enter upon the grave space and remove the same.

(C) Every stone or slab used as a cover for any grave or part of a grave shall be placed upon a foundation as herein specified.

(D) Any stone or slab placed upon any space where a grave has not been dug, shall be moved and replaced at the expense of the grave space owner.

(E) In the erection of monuments, markers, or foundations, all gravel, stones, and debris shall be removed from the grounds as soon as the work is completed.

(F) No monument or marker constructed of cement or Indiana limestone shall be erected in the cemetery.

(G) All monuments, markers, stones, and slabs shall be placed upon cement foundations.

(H) All foundations shall be made of one part cement and four parts clean, washed sand and gravel, and shall be finished in a square form at the surface of the ground, troweled smooth, with rounded edges.

(I) Foundations for all monuments shall be built flush with the ground and shall be 12 inches in length and breadth larger than the base of the stone to be placed upon it, except that in the case of markers of a size of 12 by 13 inches or less, the foundation shall be ten inches in length and breadth larger than the marker.

(J) Foundations for markers of all kinds shall be not less than 24 inches in depth, and foundations for monuments shall be from 30 to 60 inches in depth, to be determined by the size of the monument to be placed thereon.

(K) The Town Council shall have authority to specify the size and depth of any foundation placed in the cemetery.

(L) All foundations shall be constructed by grave space owners, under the supervision of the sexton. (1981 Code, § 6.310) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983) Penalty, see § 96.99

§ 96.23 VAULTS AND MAUSOLEUMS.

(A) Before any mausoleum or surface grave vault or any structure other than monuments or markers may be erected, complete plans and specifications therefor must be submitted to the Town Council for approval prior to commencing work thereon.

(B) Mausoleums or surface grave vaults shall be constructed only of marble, granite, or Indiana limestone, or a natural stone of equal quality. (1981 Code, § 6.311) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983) Penalty, see § 96.99

§ 96.24 TREES, SHRUBS, AND FLOWERS.

(A) All persons are prohibited from planting trees, shrubs, or plants on lots or grave spaces, and from planting any flowers in the cemetery grounds. Planted flowers may be placed in urns. Cut flowers may be placed upon graves on special occasions, but will be removed after seven days. Artificial wreaths may be placed upon graves only from November 1 to March 1, and will be removed at other times to assure better care of the cemetery. No artificial cut flowers may be used at any time.

(B) The sexton shall have the right to remove any tree, shrub, or plant, or any part thereof, which may have become unsightly, dangerous, or not in keeping with the landscape design of the cemetery. (1981 Code, § 6.312) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983) Penalty, see § 96.99

§ 96.25 FEES, CHARGES, AND PAYMENTS.

(A) The payment of all fees and charges shall be made at the office of the Clerk-Treasurer in the Town Hall, where receipts will be issued for the amounts paid.

(B) The following schedule of fees and charges is in effect and applicable to all portions of any cemetery for which the town is authorized to sell lots, unless otherwise provided for herein, and are payable in advance.

(1) *Price of lots.* The charge made for the purchase of all grave spaces shall be:

Infant graves, not larger than 30 inches by 48 inches	\$100
All other graves	\$300

(2) *Opening graves.* The following charges will be made by the town for opening all graves, which charge includes the opening of the grave, removal of excess material, refilling and sodding:

Infant graves, not larger than 30 inches by 48 inches	\$150
All other graves	\$250

Cambridge City - General Regulations

(3) *Additional charges.* The following charges shall be in addition to those set forth in divisions (B)(1) and (B)(2) above:

Arrival of body at cemetery after 3:00 p.m., local time, on normal working days	\$100
Saturday funerals	\$150
Sunday and holiday funerals	\$250

(4) *Removals.* Charges for opening graves to permit removal will be made in accordance with the work performed.

(1981 Code, § 6.313) (Ord. 2-1968, passed 1-22-1968; Ord. 2-1975, passed 4-28-1975; Ord. 4-1975, passed 7-28-1975; Ord. 1-1980, passed 3-24-1980; Ord. 5-1982, passed 3-8-1982; Ord. 2-1983, passed 5-9-1983; Ord. 4-2008, passed 7-14-2008)

§ 96.99 PENALTY.

The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.

(Ord. 8-2008, passed 12-8-2008)

CHAPTER 97: PARKS AND RECREATION

Section

General Provisions

- 97.01 Purpose
- 97.02 Remedies

Park Property

- 97.15 Disfiguration and removal
- 97.16 Rest rooms
- 97.17 Sanitation

Operating Policy

- 97.30 Management
- 97.31 Hours
- 97.32 Group activity
- 97.33 Picnic areas and use

General Regulations

- 97.45 Operation of motor vehicles
- 97.46 Alcoholic beverages
- 97.47 Disorderly conduct
- 97.48 Horses
- 97.49 Dogs
- 97.50 Non-smoking areas

Merchandising, Advertising, and Signs

- 97.60 Vending and peddling
- 97.61 Advertising
- 97.62 Signs

- 97.99 Penalty

GENERAL PROVISIONS**§ 97.01 PURPOSE.**

The purpose of this chapter is to provide for the better management and control of the public parks in the town by prescribing rules and regulations for the conduct of persons in the parks and for the operation of the parks.

(1981 Code, § 7.101) (Ord. 2-1986, passed 7-28-1986)

§ 97.02 REMEDIES.

Any person violating any provision of this chapter may be barred from using any park by the Park Commissioner at any time and for any interval of time.

(1981 Code, § 7.117) (Ord. 2-1986, passed 7-28-1986)

PARK PROPERTY**§ 97.15 DISFIGURATION AND REMOVAL.**

No person shall willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices, or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities, or park property or appurtenances whatsoever, either real or personal.

(1981 Code, § 7.102) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

§ 97.16 REST ROOMS.

No person shall fail to cooperate in maintaining rest rooms and wash rooms in any park in a neat and sanitary condition. No person over the age of five years shall use the rest rooms designated for the opposite sex.

(1981 Code, § 7.103) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

§ 97.17 SANITATION.

(A) No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into the waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.

(B) No person shall have brought in or shall dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all the rubbish or waste shall be carried away from any park by the person responsible for its presence, and properly disposed of elsewhere.

(1981 Code, § 7.104) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

OPERATING POLICY

§ 97.30 MANAGEMENT.

The Park Committee of the Town Council is hereby charged with the management and control of the park, and the Chairperson of the Committee shall serve as the Park Commissioner.

(1981 Code, § 7.105) (Ord. 2-1986, passed 7-28-1986)

§ 97.31 HOURS.

(A) Parks shall be open to the public during the following hours:

Creitz Park	8:00 a.m. to 11:00 p.m. daily from March 1 through October 31
Bicentennial Park	8:00 a.m. to 8:00 p.m. daily

(B) It shall be unlawful for any person or persons (other than town personnel conducting town business therein and other duly authorized persons) to occupy or be present in any park during any hours in which the park is not open to the public.

(C) Any section or part of any park may be declared closed to the public by the Park Commissioner at any time and for any interval of time, either temporarily or at regular or stated intervals.

(1981 Code, § 7.106) (Ord. 2-1986, passed 7-28-1986; Ord. 5-2013, passed 5-13-2013) Penalty, see § 97.99

§ 97.32 GROUP ACTIVITY.

(A) Whenever any group, association, or organization desires to use park facilities for a particular purpose, such as picnics, parties, or theatrical or entertainment performances, a representative of the group, association, or organization shall first obtain a permit from the Park Commissioner for such purposes. The Town Council may adopt an application form to be filed at the office of the Town Clerk-Treasurer for such situations.

(B) The Park Commissioner shall grant the application if it appears that the group, association, or organization will not interfere with the general use of the park by the individual members of the public and if the group, association, or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the town from any liability of any kind or character and to protect town property from damage.

(C) The Western Wayne Schools are authorized to use Creitz Park for playground and recreation purposes under the supervision of the schools, subject to all other rules and regulations governing the use of the park.

(1981 Code, § 7.107) (Ord. 2-1986, passed 7-28-1986)

§ 97.33 PICNIC AREAS AND USE.

(A) No person shall picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in the areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

(B) No person shall use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use the area and facilities for an unreasonable time if the facilities are crowded.

(C) No person shall leave any picnic area before any fire is extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(1981 Code, § 7.108) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

GENERAL REGULATIONS

§ 97.45 OPERATION OF MOTOR VEHICLES.

It shall be unlawful for any person to operate a motor vehicle in any area in any park at a speed in excess of ten mph. No person shall operate a motor vehicle in any area of any park except upon designated roadways and parking areas.

(1981 Code, § 7.109) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

§ 97.46 ALCOHOLIC BEVERAGES.

It shall be unlawful for any person to have in his or her possession, custody, or control any alcoholic beverage (including beer) of any kind whatsoever in any area of any park.

(1981 Code, § 7.110) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

§ 97.47 DISORDERLY CONDUCT.

Whoever shall act in a loud, boisterous, or disorderly manner so as to disturb other persons lawfully using any park, by loud or unusual noise, or by tumultuous or offensive behavior, threatening, traducing, quarreling, challenging to fight, or fighting shall be deemed guilty of disorderly conduct.

(1981 Code, § 7.111) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

§ 97.48 HORSES.

It shall be unlawful for any person to ride or drive a horse in any area of any park, except upon designated roadways and bridle paths or except by special permission granted by the Park Commissioner.

(1981 Code, § 7.112) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

§ 97.49 DOGS.

(A) *Creitz Park*. It shall be unlawful for any person to walk a dog or bring a dog upon any area of the park during an event which is open to the public, which events shall include, but not be limited to, ballgames, fireworks display, car shows, etc. This regulation shall not apply to any special event involving the vaccination of pets.

(B) *Bicentennial Park*. It shall be unlawful for any person to walk a dog or bring a dog upon any area of the park at any time.

(Ord. 4-2011, passed 6-13-2011)

§ 97.50 NON-SMOKING AREAS.

(A) No smoking, or chewing of tobacco or similar product, shall be permitted within 100 feet of any ball diamond or field, seating for any such diamond or field, playground, or any other area where children congregate in the park. For purposes of this section, the term *SMOKING* shall be defined as inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form.

(B) Smoking shall also only occur at a reasonable distance outside of any of the above prohibited areas to insure that tobacco smoke does not enter the restricted area. Therefore, it shall also be a violation for smoke to be detected in any of the above areas where smoking is prohibited.

(Ord. 2a-2016, passed 6-13-2016)

MERCHANDISING, ADVERTISING, AND SIGNS**§ 97.60 VENDING AND PEDDLING.**

No person in any park shall expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing. Exception is here made as to any concessionaire acting by and under the authority and regulation of the Park Commissioner.

(1981 Code, § 7.113) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

§ 97.61 ADVERTISING.

No person in any park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(1981 Code, § 7.114) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

§ 97.62 SIGNS.

No person in any park shall paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever.

(1981 Code, § 7.115) (Ord. 2-1986, passed 7-28-1986) Penalty, see § 97.99

§ 97.99 PENALTY.

The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.
(Ord. 8-2008, passed 12-8-2008)

CHAPTER 98: RAILROADS

Section

- 98.01 Dangerous railroad grade crossings
- 98.02 Posting signs

§ 98.01 DANGEROUS RAILROAD GRADE CROSSINGS.

Where the Norfolk & Western railroad tracks cross the following streets, the crossings are hereby designated as dangerous railroad crossings, and the driver of any vehicle shall stop within 50 feet, but not less than ten feet from the nearest track of the grade crossing and shall proceed only upon exercising due care:

- (A) South Walnut Street;
- (B) South Second Street;
- (C) South Jones Street;
- (D) South Third Street;
- (E) South Green Street;
- (F) South Fourth Street; and
- (G) South Foote Street.

(1981 Code, § 5.901) (Ord. 1-1986, passed 6-23-1986)

§ 98.02 POSTING SIGNS.

The Police Department shall post, or cause to be posted, stop signs upon the streets or rights-of-way approaching the grade crossings.

(1981 Code, § 5.902) (Ord. 1-1986, passed 6-23-1986)

CHAPTER 99: STREET TREES

Section

- 99.01 Definitions
- 99.02 Planting
- 99.03 Removal
- 99.04 Maintenance
- 99.05 Responsibility of owner or occupant
- 99.06 Abuse/illegal act

- 99.99 Enforcement and penalties

§ 99.01 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

TOWN. The Town of Cambridge City.

OWNER. The public or private individual(s), group, company, firm, corporation, partnership, or association which is the owner of the real estate upon which the public right-of-way (as defined herein) is located and/or is adjacent thereto.

PUBLIC RIGHT-OF-WAY. The width of property located between property lines or upon which the public or town has a current easement (either in writing or from use), abutting a street, alley, or boulevard; most often including the width of property located between a street and sidewalk.

STREET TREE. Any tree located upon a public right-of-way.
(Ord. 5-2009, passed 8-24-2009)

§ 99.02 PLANTING.

(A) An owner or the town shall have the right to plant new street trees upon a public right-of-way so long as such planting does not create a public danger or nuisance or be detrimental to the growth of adjacent trees.

(B) No street trees shall be planted within ten feet of a fire hydrant.

(C) No street tree shall be planted within three feet of a curb cut.

(D) No street tree shall be planted within 30 feet of a curb defining an intersection of streets or the edge of the pavement at an intersection of streets where there is no curb.
(Ord. 5-2009, passed 8-24-2009)

§ 99.03 REMOVAL.

(A) An owner or the town shall have the right to remove a street tree upon a public right-of-way located upon or adjacent to the property owner's property.
(Ord. 5-2009, passed 8-24-2009)

§ 99.04 MAINTENANCE.

(A) Maintenance of all street trees shall primarily be the responsibility of the adjacent property owner; provided, the town is authorized to prune and trim street trees as may be necessary to maintain the safety of the public and/or adjoining roadway, and/or for the property care of all public or private utilities.

(B) Any owner with real property abutting a public right-of-way with street trees, or has trees or shrubs on his or her private property with limbs extending over public streets, alleys or sidewalks, shall prune such trees or shrubs in order to prevent such limbs from striking vehicular traffic, pedestrians, and cyclists and obstructing the view of traffic signs or signals. The minimum clearance shall be eight feet over sidewalks and 14 feet over the traveled portion of streets and alleys.

(C) An owner may request assistance from the town for the maintenance or removal of street trees, and the town shall consider such request at its discretion, depending upon having personnel and/or monies available.
(Ord. 5-2009, passed 8-24-2009)

§ 99.05 RESPONSIBILITY OF OWNER OR OCCUPANT.

Nothing in this chapter shall be deemed to impose any liability upon the town or upon any of its officers or employees nor to relieve the owner and/or occupant of any private property to keep trees and shrubs upon private property in a safe condition.
(Ord. 5-2009, passed 8-24-2009)

§ 99.06 ABUSE/ILLEGAL ACT.

It shall be unlawful for any person to:

(A) Damage, cut, carve or injure any street tree.

(B) Attach any sign, wire, or injurious material to any street tree.

(C) Cause or permit any wire charged with electricity to come in contact with any street tree.

(D) Violate any portion of this chapter.

(Ord. 5-2009, passed 8-24-2009)

§ 99.99 ENFORCEMENT AND PENALTIES.

(A) Any person or entity who violates this chapter shall be guilty of a code violation and subject to a fine or not less than \$25 nor more than \$250. Each act of violation constitutes a separate offense.

(B) If such violation results in permanent injury or the death of any tree or shrub protected by this chapter, the cost of replacement of such tree or shrub shall be borne by the party in violation in addition to any fine assessed under division (A) of this section.

(C) In addition to fines, the town may seek injunctive relief to obtain compliance with this chapter.
(Ord. 5-2009, passed 8-24-2009)

CHAPTER 100: SIDEWALKS AND CURBS

Section

- 100.01 Obstructing sidewalks
- 100.02 Damaging sidewalks or curbs
- 100.03 Replacement and removal of sidewalks or curbs

- 100.99 Enforcement and penalties

§ 100.01 OBSTRUCTING SIDEWALKS.

No person shall obstruct or endanger, or place or permit anything to obstruct or endanger the free passage or proper use of the public of any sidewalk, except as may be necessary while loading or unloading merchandise or materials, and except as may be permitted under this chapter. This provision shall not prevent the placement of temporary items on a portion of sidewalk associated with an adjoining business, so long as such placement does not prevent reasonable passage thereon.

(Ord. 9-2009, passed 11-14-2009)

§ 100.02 DAMAGING SIDEWALKS OR CURBS.

No person shall break, or cut into, or in any way damage any sidewalk or curb or other public right-of-way in the town.

(Ord. 9-2009, passed 11-14-2009)

§ 100.03 REPLACEMENT AND REMOVAL OF SIDEWALKS OR CURBS.

In the event of a severe deterioration of a sidewalk or curb, it shall be the responsibility of the town to remove such sidewalk or curb; provided, any replacement thereof shall be the responsibility of the owner of any ground fronting on such sidewalk or curb, at the owner's cost. If the town removes the sidewalk or curb solely as the result of a request by an adjoining property owner, then such replacement shall be mandatory upon the property owner. Otherwise, any replacement shall be at the discretion of the adjoining property owner. Nothing contained herein shall prevent the town from replacing a sidewalk or curb at its own cost if deemed reasonably necessary.

(Ord. 9-2009, passed 11-14-2009)

§ 100.99 ENFORCEMENT AND PENALTIES

(A) Any person or entity who violates this chapter shall be guilty of a code violation and subject to a fine or not less than \$25 nor more than \$250. Each act of violation constitutes a separate offense.

(B) In addition to fines, the town may seek injunctive relief to obtain compliance with this chapter.
(Ord. 9-2009, passed 11-14-2009)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. SOLICITORS

CHAPTER 110: SOLICITORS

Section

- 110.01 Definitions
- 110.02 Exceptions
- 110.03 Certificate of registration
- 110.04 Application for certificate of registration
- 110.05 Registration fee
- 110.06 Issuance of registration certificate
- 110.07 Revocation of certificate
- 110.08 Policy on soliciting
- 110.09 Notice regulating soliciting
- 110.10 Duty of solicitors
- 110.11 Uninvited soliciting prohibited
- 110.12 Time limit on soliciting

- 110.99 Penalty

§ 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

REGISTERED SOLICITOR. Any persons or company who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

RESIDENCE. Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING. Any one or more of the following activities:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, or services, of any kind, character, or description whatever, for any kind of consideration whatever;

(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character;

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication;

(4) Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project; or

(5) Seeking information on the background, occupation, economic status, social status, religious status, political status, attitudes, viewpoints, occupants of a residence, telephone number, address, furnishings, or the like, of another person for the purpose of compiling the information as raw or refined data into any document, record, book, or directory to be sold, or to be used wholly or in part for a commercial purpose.

(1981 Code, § 4.401) (Ord. 2-1995, passed 2-27-1995; Ord. 7-2013, passed 10-14-2013)

§ 110.02 EXCEPTIONS.

The provisions of this chapter shall not apply to the following:

(A) Any news-gathering activity for a bona fide news medium;

(B) Any solicitation of information for a telephone directory or similar book; and/or

(C) Any officers or employees of the town, county, state, or federal government, or any subdivision thereof, when on official business.

(1981 Code, § 4.402) (Ord. 2-1995, passed 2-27-1995)

§ 110.03 CERTIFICATE OF REGISTRATION.

Every person or company desiring to engage in soliciting as herein defined from persons in residences within the Town of Cambridge City is hereby required to make written application for and secure a certificate of registration as hereinafter provided. The certificate shall be carried by the individual solicitor in the case of an individual obtaining the certificate, or by the designated agent in the event of a company obtaining the certificate.

(1981 Code, § 4.403) (Ord. 2-1995, passed 2-27-1995; Ord. 7-2013, passed 10-14-2013) Penalty, see § 110.99

§ 110.04 APPLICATION FOR CERTIFICATE OF REGISTRATION.

(A) Application for a certificate of registration shall be made upon a form prepared by the Town Clerk-Treasurer. The applicant shall truthfully state the following information:

- (1) Name and address of present place of residence or business and length of residence or location at the address, of the applicant.
- (2) Name and address of each individual performing any solicitation on behalf of the applicant.
- (3) In the event of an individual applicant, address of place of residence during the past three years, if other than present residence address;
- (4) General physical description of applicant and/or any person performing solicitation services for the applicant;
- (5) Name and address of the person, firm, or corporation or association by whom the applicant is employed or represents, and the length of time of the employment or representation;
- (6) In the event of an individual applicant, name and address of employer during the past three years if other than the present employer;
- (7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- (8) Period of time for which the certificate if applied;
- (9) The date, or approximate date, of the latest previous application for a certificate under this chapter, if any;
- (10) Whether a certificate of registration issued to the applicant under this chapter has ever been revoked;
- (11) Whether the applicant, or any person performing solicitation services for the applicant, has ever been convicted of a violation of a felony under the laws of this state or any other state or federal law of the United States;
- (12) The names of magazines, journals, or books, if any;
- (13) Names of the three most recent communities where the applicant has solicited house to house;
- (14) Proposed method of operation;
- (15) Consent to submit to fingerprinting in connection with the application;
- (16) Authorization for a criminal records check in connection with the application;
- (17) Signature of the applicant; and

(18) Social security number or federal identification number of the applicant.

(B) All statements made by the applicant upon the application or in connection therewith shall be made under oath.

(C) The Town Marshal shall determine whether fingerprinting and/or a criminal records check is necessary in connection with each application.

(D) No certificate of registration shall be issued to any person (or any company who anticipates using such a person) who has been convicted of the commission of a felony under the laws of this state or any other state or federal law of the United States, within five years of the date of the application; nor to any person who has been convicted of a violation of the provisions of this chapter; nor to any person whose certificate of registration hereunder has previously been revoked as herein provided. (1981 Code, § 4.404) (Ord. 2-1995, passed 2-27-1995; Ord. 7-2013, passed 10-14-2013)

§ 110.05 REGISTRATION FEE.

The period of time covering a certificate of registration herein shall not exceed 48 hours and must begin within seven days of the date of application. All solicitation services performed pursuant to a certificate herein may only be performed between the hours of 9:00 a.m. and 5:00 p.m. Each applicant shall pay to the Town Clerk-Treasurer a registration fee of \$10 in conjunction with the application, which fee shall be returned if the certificate is not granted.

(1981 Code, § 4.405) (Ord. 2-1995, passed 2-27-1995; Ord. 7-2013, passed 10-14-2013)

§ 110.06 ISSUANCE OF REGISTRATION CERTIFICATE.

Upon the filing of a completed application and compliance with all of the provisions of this chapter, and the payment of the registration fee, the Clerk-Treasurer shall issue a certificate of registration indicating that the person is a registered solicitor in the town. The certificate shall contain substantially the following wording: "This certificate (card) does not indicate an endorsement by the town of any product or service." The certificate of registration shall state the expiration date thereof.

(1981 Code, § 4.406) (Ord. 2-1995, passed 2-27-1995)

§ 110.07 REVOCATION OF CERTIFICATE.

Any certificate of registration issued hereunder shall be revoked by the Town Marshal if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this chapter. Immediately upon the revocation, written notice thereof

shall be given by the Marshal to the holder of the certificate in person or by certified United States mail addressed to his or her residence address set forth in the application. Immediately upon the giving of the notice, the certificate of registration shall become null and void.
(1981 Code, § 4.407) (Ord. 2-1995, passed 2-27-1995)

§ 110.08 POLICY ON SOLICITING.

It is hereby declared to be the policy of the Town of Cambridge City that the occupant or occupants of the residences of the town shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.
(1981 Code, § 4.408) (Ord. 2-1995, passed 2-27-1995)

§ 110.09 NOTICE REGULATING SOLICITING.

Every person desiring to secure the protection of the regulations contained in this chapter shall comply with the following requirements.

(A) Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given by notice posted on the premises in the following manner:

(1) A weatherproof card, approximately three inches by five inches in size, shall be exhibited upon or near the main entrance door to the residence, containing the applicable words as follows: “Only Solicitors Registered in Cambridge City Invited” or “No Solicitors Invited.”

(2) The letters on the card shall be at least one-third of one inch in height. To provide uniformity, the cards may be provided by the Town Marshal to persons requesting, at the cost thereof.

(B) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.
(1981 Code, § 4.409) (Ord. 2-1995, passed 2-27-1995)

§ 110.10 DUTY OF SOLICITORS.

It shall be the duty of every solicitor upon going onto any premises in the town upon which a residence as defined herein is located, to first examine the notice provided for in this chapter, if any, is attached, and be governed by the statement contained on any notice. If the notice states “Only Solicitors Registered in Cambridge City Invited,” then the solicitor not possessing a valid certificate of registration as herein provided shall immediately and peacefully depart from the premises; and if the notice states “No Solicitors Invited,” then the solicitor, whether registered or not, shall immediately and peacefully

depart from the premises. Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately depart from the premises when requested to do so by the occupant.
(1981 Code, § 4.410) (Ord. 2-1995, passed 2-27-1995) Penalty, see § 110.99

§ 110.11 UNINVITED SOLICITING PROHIBITED.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the door bell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with provisions of § 110.09.
(1981 Code, § 4.411) (Ord. 2-1995, passed 2-27-1995) Penalty, see § 110.99

§ 110.12 TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the door bell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 9:00 a.m. or after 9:00 p.m. of any weekday, or at any time on a Sunday or on a state or national holiday.
(1981 Code, § 4.412) (Ord. 2-1995, passed 2-27-1995) Penalty, see § 110.99

§ 110.99 PENALTY.

The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.
(Ord. 8-2008, passed 12-8-2008)

TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS**
- 151. MANUFACTURED HOUSING REGULATIONS**
- 152. THOROUGHFARE PLAN**
- 153. BUILDINGS**
- 154. FLOOD PLAIN MANAGEMENT**
- 155. UNINCORPORATED JURISDICTIONAL AREA ZONING**
- 156. INCORPORATED JURISDICTIONAL AREA ZONING**
- 157. UNINCORPORATED JURISDICTIONAL AREA SUBDIVISION**
- 158. INCORPORATED JURISDICTIONAL AREA SUBDIVISION**

CHAPTER 150: GENERAL PROVISIONS

Section

Sign Regulations

- 150.01 Purpose; definition
- 150.02 Minimum standards
- 150.03 Conflict
- 150.04 Nonconforming signs
- 150.05 Effective date

Improvement Location Permits

- 150.20 Permit required
- 150.21 Issuance of permit
- 150.22 Applications for permit; fees
- 150.23 Appeals
- 150.24 Review by certiorari
- 150.25 Remedies

Wrecking or Demolition of Buildings

- 150.40 Purpose
- 150.41 Scope
- 150.42 Authority
- 150.43 Permit required
- 150.44 Application for permit
- 150.45 Inspection of premises
- 150.46 Approval and issuance of permit
- 150.47 Regulations for proceeding with work
- 150.48 Supervision

Economic Revitalization Areas

- 150.60 Designation of economic revitalization areas
- 150.61 General standards and requirements
- 150.62 Request for designation of economic revitalization area
- 150.63 Procedures

- 150.64 Limitations
- 150.65 Deductions from assessed value of property
- 150.66 Applications for deductions under I.C. 6-1.1-12.1-3
- 150.67 Applications for deductions for new manufacturing equipment
- 150.68 Construction and implementation

- 150.99 Penalty

SIGN REGULATIONS

§ 150.01 PURPOSE; DEFINITION.

(A) This subchapter shall be construed and implemented to create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe, and attractive community, and the need for effective business identification, advertising, and communication. It is the intent of this subchapter, and it shall be interpreted, to promote the health, safety, convenience, aesthetics, and general welfare of the community by controlling signs that are intended to communicate to the public, and that authorize signs that are:

- (1) Compatible with their surroundings and building on which they are placed, enhancing the architectural features and styles of the building;
- (2) Designed, constructed, installed, and maintained in a manner that does not endanger public safety or unduly distract motorists; and
- (3) Appropriate to the type of activity to which they pertain.

(B) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SIGN. Is considered to be a notice, bearing a name, direction, information, or advertisement, that is displayed or posted for public view, that is freestanding on an independent structure or that is attached to a building or similar structure.

(Ord. 1-2007, passed 4-9-2007)

§ 150.02 MINIMUM STANDARDS.

The provisions contained herein shall constitute the minimum acceptable standards for the control of outdoor signs, displays, and devices where permitted.

(A) *Business signs.*

(1) *Permitted.* Zoning districts where business signs are permitted:

- (a) General Business;
- (b) Local Business; and
- (c) Industrial.

(2) *Space of signs.*

(a) Exterior business signs, where permitted, that are integral with or attached to the business building, shall not project beyond the building structure unless attached to a marquee or sidewalk canopy and shall not exceed above the parapet wall or roof line, whichever is higher, except as described below. All the signs shall not exceed 24 square feet in area.

(b) Signs perpendicular to the face of a building shall be permitted only if securely attached and have a surface area of no more than 24 square feet, no more than 48 inches by 72 inches and projecting not more than 78 inches from the exterior surface of the building wall.

(c) Exterior business signs, where permitted, that are freestanding, shall be located in front of the business building but the sign shall not project over the right-of-way and shall not be located within 25 feet of the side lot lines. The freestanding or pedestal signs shall not exceed 12 feet in height, inclusive of a base of support, and 32 square feet in area.

(d) Exterior business signs, where permitted, that are built on the same lot as a residential structure shall not exceed five feet in height and 20 square feet in area. The sign shall not be located within ten feet of the front lot line, and shall not be located within 15 feet of the side lot lines.

(B) *Advertising signs.*

(1) *Permitted.* Zoning districts where advertising signs are permitted:

- (a) General Business;
- (b) Local Business; and
- (c) Industrial.

(2) *Space of signs.*

(a) No advertising sign structure shall be permitted within 200 feet of any building used primarily as a residence or any A Residential or B Residential Districts.

(b) Advertising signs shall not be located within five feet of the front or rear lot lines and shall not be located within 20 feet of the side lot lines. The signs shall not exceed ten feet in height and 100 square feet in area.

(C) *Real estate signs.* Real estate signs advertising the sale, rental, or lease of the premises on which they are maintaining shall be set back from the right-of-way line of any street at least one-half the depth of the required front yard in the districts where located, provided, however, that the sign shall not exceed six square feet in area and when attached flat against the building to which it pertains shall be permitted in any case. The real estate signs on any one lot shall not exceed, in the aggregate, 15 square feet in area.

(D) *Supplementary standards for all signs.*

(1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(2) Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveling ways, and which are of the intensity or brilliance as to cause glare or to impair the vision of the operation of a motor vehicles are prohibited.

(3) No sign shall be so illuminated as to obscure or interfere with the effectiveness of an official traffic sign, device, or signal.

(4) No sign shall be so located that it interferes with a clear view of streets by motorists, or entering or exiting from private drives.

(5) Portable signs over six square feet in area per side shall not be permitted. All portable signs shall not interfere with motor vehicles or pedestrian traffic.

(6) Upon termination of a business, all exterior signs relating to the business shall be removed within two weeks after termination of the business.

(7) All signs shall have a professional appearance, and be constructed, installed, and maintained in a professional matter.

(8) No signs of any kind may be placed or posted, either permanently or temporarily, upon any poles owned by the town; or owned by any other utility or other public entity, unless installed or authorized by such utility or entity.

(Ord. 1-2007, passed 4-9-2007; Ord. 10-2009, passed 12-14-2009) Penalty, see § 150.99

§ 150.03 CONFLICT.

In the event that any section of this code found outside of this subchapter conflicts with or is contrary to the content of this subchapter as to the subject matter specifically covered by this subchapter, the regulations and requirements of this subchapter shall be controlling.
(Ord. 1-2007, passed 4-9-2007)

§ 150.04 NONCONFORMING SIGNS.

The lawful placement of a sign existing at the time of the passage of this subchapter may be continued although the placement does not conform to all the provisions hereof, subject to the following.

(A) A nonconforming sign placement may be continued to a subsequent owner, provided that the sign content does not change.

(B) In the event that a nonconforming sign placement is discontinued for a period of one year, the placement and regulation thereof must thereafter conform to this subchapter.
(Ord. 1-2007, passed 4-9-2007) Penalty, see § 150.99

§ 150.05 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after its adoption or, if required, subsequent to the appropriate publication thereof after adoption.
(Ord. 1-2007, passed 4-9-2007)

IMPROVEMENT LOCATION PERMITS

§ 150.20 PERMIT REQUIRED.

Within the jurisdictional area of the Town of Cambridge City, Indiana, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with the master plan and ordinances of the Town of Cambridge City, and an improvement location permit for the structure, improvement, or use has been issued. It is hereby declared that the intent of the permit requirements of this subchapter shall not prevail with respect to a structure, including a dwelling which is clearly incidental to agricultural operations.
(1981 Code, § 3.101) (Ord. 5-1957, passed 6-3-1957) Penalty, see § 150.99

§ 150.21 ISSUANCE OF PERMIT.

The Building Commissioner of the Town of Cambridge City shall issue an improvement location permit, upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the master plan of the Town of Cambridge City, Indiana.
(1981 Code, § 3.102) (Ord. 5-1957, passed 6-3-1957)

§ 150.22 APPLICATIONS FOR PERMIT; FEES.

Every application for an improvement location permit shall be accompanied by a site plan, drawn to scale, showing the location of the structure, improvement, or use to be altered, changed, placed, erected, or located, the dimensions of the lot to be improved, the size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved. Applications for an improvement location permit shall be accompanied by a fee of \$2.
(1981 Code, § 3.103) (Ord. 5-1957, passed 6-3-1957)

§ 150.23 APPEALS.

Any decision of the Building Commissioner of the Town of Cambridge City concerning the issuance of an improvement location permit may be appealed to the Cambridge City Board of Zoning Appeals by any person claiming to be adversely affected by the decision.
(1981 Code, § 3.104) (Ord. 5-1957, passed 6-3-1957)

§ 150.24 REVIEW BY CERTIORARI.

A decision of the Cambridge City Board of Zoning Appeals may be reviewed by certiorari procedure as provided for the appeal of zoning cases from the Board of Zoning Appeals.
(1981 Code, § 3.105) (Ord. 5-1957, passed 6-3-1957)

§ 150.25 REMEDIES.

Action on the violation of any provision of this subchapter and the right of injunction against the violation shall be as provided by I.C. Chapter 174, Acts of 1947, of the Indiana General Assembly and all acts amendatory thereto.
(1981 Code, § 3.106) (Ord. 5-1957, passed 6-3-1957)

WRECKING OR DEMOLITION OF BUILDINGS

§ 150.40 PURPOSE.

The purpose of this subchapter is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and real and personal property in the wrecking or demolition of buildings and structures. This subchapter shall be deemed to be supplemental to the building code of the Town of Cambridge City, Indiana.
(1981 Code, § 3.901) (Ord. 4-1976, passed 9-27-1976)

§ 150.41 SCOPE.

The provisions of this subchapter apply to the wrecking or demolition of all buildings and structures, other than fences, in the Town of Cambridge City.
(1981 Code, § 3.902) (Ord. 4-1976, passed 9-27-1976)

§ 150.42 AUTHORITY.

The Building Code Inspector is hereby authorized and directed to administer and enforce all of the provisions of this subchapter.
(1981 Code, § 3.903) (Ord. 4-1976, passed 9-27-1976)

§ 150.43 PERMIT REQUIRED.

It shall be unlawful to wreck or demolish any building or structure in the town without first securing a permit therefor.
(1981 Code, § 3.904) (Ord. 4-1976, passed 9-27-1976) Penalty, see § 150.99

§ 150.44 APPLICATION FOR PERMIT.

An application for a permit to wreck or demolish any building or structure in the town shall be made in writing to the Clerk-Treasurer, with a copy to the Building Code Inspector, and to any utility company serving the premises, and to the owners or agents of adjoining or neighboring premises. The application shall give the location of the building or structure, the date when wrecking or demolition is to commence, and the approximate time which the wrecking or demolition shall take place.
(1981 Code, § 3.905) (Ord. 4-1976, passed 9-27-1976)

§ 150.45 INSPECTION OF PREMISES.

Before any such permit shall be approved, the Building Code Inspector shall inspect the premises where the wrecking or demolition work is to take place, and ascertain that provision for proper care has been made so as not to endanger any connections with the town sewer and water systems.

(1981 Code, § 3.906) (Ord. 4-1976, passed 9-27-1976)

§ 150.46 APPROVAL AND ISSUANCE OF PERMIT.

If the Building Code Inspector finds that the terms of this subchapter are being complied with by the applicant, he or she shall approve the application and issue a permit for the wrecking or demolition.

(1981 Code, § 3.907) (Ord. 4-1976, passed 9-27-1976)

§ 150.47 REGULATIONS FOR PROCEEDING WITH WORK.

All work of the wrecking or demolition shall be performed in a workmanlike manner and with the least amount of noise and dust possible. Care shall be taken to protect neighboring structures with adequate shoring and whatever else is needful to protect the structures. "No trespassing" signs shall be erected on each side of the building that faces on a public street or alley. Adequate protection shall be provided to prevent injury to persons or property. It shall be the duty of all persons working on or responsible for the wrecking or demolition to see to it that children are warned away from the premises, and are not permitted to play in or frequent the structures. After the wrecking or demolition, all debris shall be cleared away, and any excavation remaining shall either be filled in with noncombustible and nondecayable materials and tamped down, or be surrounded by a chain link or masonry fence at least six feet in height, if the property is not to be put to immediate use. If the property is to be used for any purpose within two months of the wrecking or demolition, then adequate barricades, lighted at night, shall be installed around the perimeter of the excavation.

(1981 Code, § 3.908) (Ord. 4-1976, passed 9-27-1976)

§ 150.48 SUPERVISION.

The Building Code Inspector shall supervise the wrecking or demolition and shall inspect the premises as often as he or she deems necessary during the wrecking or demolition.

(1981 Code, § 3.909) (Ord. 4-1976, passed 9-27-1976)

ECONOMIC REVITALIZATION AREAS

§ 150.60 DESIGNATION OF ECONOMIC REVITALIZATION AREAS.

The Town Council may find, on its own motion or upon request of an owner of property, that a particular area within the town satisfies the general standards and requirements set forth herein and thereupon may designate the area as an economic revitalization area.

(1981 Code, § 3.1101) (Ord. 3-1996, passed 11-25-1996)

§ 150.61 GENERAL STANDARDS AND REQUIREMENTS.

The following general standards and requirements shall be used in finding an area to be an economic revitalization area. The proposed economic revitalization area must be an area which is within the corporate limits of the town which has become undesirable for, or impossible of, normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent normal development of property or use of property. The term “economic revitalization area” shall also include any area of the town where a facility or a group or facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.

(1981 Code, § 3.1102) (Ord. 3-1996, passed 11-25-1996)

§ 150.62 REQUEST FOR DESIGNATION OF ECONOMIC REVITALIZATION AREA.

An owner of property may request that the Town Council designate an area of the town as an economic revitalization area. The owner shall submit the request by prescribed application to the Town Clerk-Treasurer and pay an application fee of \$50 to defray processing and administrative costs. The application shall include maps and plats that identify the area and contain a description of the boundaries of the area.

(1981 Code, § 3.1103) (Ord. 3-1996, passed 11-25-1996)

§ 150.63 PROCEDURES.

The following procedures shall be followed in declaring an economic revitalization area.

(A) If the Town Council finds that an area in its jurisdiction is an economic revitalization area, it shall either:

- (1) Prepare maps or plats that identify the area; or

(2) Prepare a simplified description of the boundaries of the area by describing its location in relation to public ways, streams, or otherwise.

(B) After the compilation of the materials described in division (A) above, the Town Council shall pass a resolution declaring the area an economic revitalization area. The resolution must contain a description of the affected area and be filed with the County Assessor.

(C) After approval of a resolution under division (B) above, the Town Council shall publish notice of the adoption and substance of the resolution in accordance with I.C. 5-3-1. The notice shall state that a description of the affected area is available and can be inspected in the Clerk-Treasurer's office. The notice must also name a date when the Council will receive and hear all remonstrances and objections from interested persons. After considering the evidence, the Town Council shall take final action determining whether the qualifications for an economic revitalization area have been met and confirming, modifying and confirming, or rescinding the resolution. The determination will be final except that an appeal may be taken and heard as provided in I.C. 6-1.1-12.1-2.5(d). (1981 Code, § 3.1104) (Ord. 3-1996, passed 11-25-1996)

§ 150.64 LIMITATIONS.

(A) In declaring a economic revitalization area, the Town Council may:

(1) Limit the time period to a certain number of calendar years during which the area shall be so designated;

(2) Limit the type of deductions that will be allowed within the economic revitalization area to either the deduction allowed under I.C. 6-1.1-12.1-3 (buildings or structures) or the deduction allowed under I.C. 6-1.1-12.1-4.5 (new manufacturing equipment);

(3) Limit the dollar amount of the deduction that will be allowed with respect to new manufacturing equipment if a deduction under this subchapter had not been filed before 7-1-1987, for that equipment;

(4) Limit the dollar amount of the deduction that will be allowed with respect to redevelopment and rehabilitation occurring in areas that are designated as economic revitalization areas on or after 9-1-1988; or

(5) Impose reasonable conditions related to the purpose of this subchapter or to the general standards adopted under § 150.61 for allowing the deduction for redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment.

(B) The Town Council shall include any such limitations in the resolution declaring the economic revitalization area. If the Town Council limits the time period during which an area is an economic revitalization area, it does not limit the time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated by I.C. 6-1.1-12.1-4 or under I.C. 6-1.1-12.1-4.5. (1981 Code, § 3.1105) (Ord. 3-1996, passed 11-25-1996)

§ 150.65 DEDUCTIONS FROM ASSESSED VALUE OF PROPERTY.

The owner of property which is located in an economic revitalization area may seek certain deductions from the assessed value of redeveloped or rehabilitated property or from the assessed value of new manufacturing equipment allowed under I.C. 6-1.1-12.1-3 or under I.C. 6-1.1-12.1-4.5 if the property or equipment conforms to the definitions set forth in I.C. 6-1.1-12.1-1. (1981 Code, § 3.1106) (Ord. 3-1996, passed 11-25-1996)

§ 150.66 APPLICATIONS FOR DEDUCTIONS UNDER I.C. 6-1.1-12.1-3.

A property owner who desires to obtain a deduction from the assessed value of property shall file with the Auditor of Wayne County a certified deduction application on forms prescribed by the State Board of Tax Commissioners. The application must be filed before May 10 of the year in which the addition to assessed valuation is made, provided, however, if notice of the addition to assessed valuation or new assessment for any year is not given to the property owner before April 10 of that year, the application required by this section may be filed not later than 30 days after the date such a notice is mailed to the property owner at the address shown on the records of the Township Assessor. (1981 Code, § 3.1107) (Ord. 3-1996, passed 11-25-1996)

§ 150.67 APPLICATIONS FOR DEDUCTIONS FOR NEW MANUFACTURING EQUIPMENT.

A person who desires to obtain the deduction from the assessed value of new manufacturing equipment must file a certified deduction application, on forms prescribed by the State Board of Tax Commissioners, with the auditor of the county in which the new manufacturing equipment is located, and with the State Board of Tax Commissioners. The application must be filed between March 1 and May 15 of the year the new manufacturing equipment is installed. (1981 Code, § 3.1108) (Ord. 3-1996, passed 11-25-1996)

§ 150.68 CONSTRUCTION AND IMPLEMENTATION.

This subchapter shall be construed and implemented in accordance with I.C. 6-1.1-12.1-1 *et seq.*, as amended from time to time. (1981 Code, § 3.1109) (Ord. 3-1996, passed 11-25-1996)

§ 150.99 PENALTY.

The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.

(Ord. 8-2008, passed 12-8-2008)

CHAPTER 151: MANUFACTURED HOUSING REGULATIONS

Section

General Provisions

- 151.01 Title
- 151.02 Intent
- 151.03 Definitions

General Requirements

- 151.15 Permitted placement
- 151.16 Prohibited placement; exceptions
- 151.17 Structural alteration
- 151.18 Mobile home parks
- 151.19 Existing uses
- 151.20 Mobile home; conversion

Minimum Specifications for Mobile Home Parks

- 151.35 General
- 151.36 Submission of plans

Administration

- 151.50 Enforcement
- 151.51 Remedies

- 151.99 Penalty

GENERAL PROVISIONS**§ 151.01 TITLE.**

This chapter shall be known and may be cited and referred to as the “Cambridge City, Indiana, Manufactured Housing Regulations.”

(1981 Code, § 3.601) (Ord. 12-1982, passed 9-13-1982)

§ 151.02 INTENT.

It is the intent of this chapter to encourage provision of alternative modest income housing in general residential areas by permitting the use of certain manufactured homes, as defined herein, within the corporate limits of the Town of Cambridge City, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between the manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the neighborhood.

(1981 Code, § 3.602) (Ord. 12-1982, passed 9-13-1982)

§ 151.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. Board of Zoning Appeals of Cambridge City, Indiana.

COMMISSION. The Town Plan Commission of Cambridge City, Indiana.

COMMISSIONER. The Building Commissioner of Cambridge City, Indiana, or his or her authorized representative.

CONDITIONAL USE. A use that is permitted, but only by application to the Board of Zoning Appeals, and after a determination by the Board that all regulations and standards of the zoning ordinance of Cambridge City, Indiana, applying to the specific use in the particular situation will be met, along with any additional conditions or safeguards as the Board may prescribe in the specific case or circumstances, in order to prevent harm or injury to adjacent uses, the neighborhood, and/or in order to improve the public health, safety, comfort, morals, convenience, and general public welfare.

EXPANDO ROOM. An expandable manufactured housing unit.

HEALTH OFFICER. The Wayne County Health Officer or his or her authorized representative.

LICENSE, STATE. A license executed by the Indiana State Board of Health permitting the operation of a mobile home park and certifying that the park has complied with all requirements as set forth by the State Board of Health.

MANUFACTURED HOME. A dwelling unit fabricated on or after 6-15-1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or Indiana Pub. L. No. 360, as promulgated by the Indiana Administrative Building Council.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE. Title IV of the 1974 Housing and Community Development Act (42 U.S.C. §§ 5401 *et seq.*), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include H.U.D. approved information supplied by the home manufacturer, and regulations and interpretations of the code by the Indiana Administrative Building Council.

MOBILE HOME. A transportable structure built prior to 6-15-1976, the effective date for the 1974 Housing and Community Development Act, being 42 U.S.C. §§ 5401 *et seq.*, larger than 320 square feet, and designed to be used as a year-round residential dwelling.

MOBILE HOME PARK. Any lot or part thereof which is used or offered as a location for two or more mobile homes used as year-round residential dwellings.

NONCONFORMING USE. The use of a lot or part thereof for a use not in conformance with the requirements of this chapter or other chapters more or less restrictive.

ONE AND TWO FAMILY DWELLING CODE, INDIANA. The mandatory statewide building code adopted by the Indiana Administrative Building Council for one- and two-family residential dwellings.

PUB. L. NO. 312. Legislation requiring a community to allow certain manufactured homes constructed after 1-1-1981, and that exceed 950 square feet of space to be installed as permanent residences on any lot on which any other type of dwelling unit may be placed.

PUB. L. NO. 360. Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair, or maintenance of factory-constructed one- or two-family residential dwellings.

SPECIAL ACTIVITY. A temporary use of public or private property for demonstration, exhibition, entertainment, or similar purposes which occurs infrequently.
(1981 Code, § 3.603) (Ord. 12-1982, passed 9-13-1982)

GENERAL REQUIREMENTS**§ 151.15 PERMITTED PLACEMENT.**

The establishment, location, and use of manufactured homes as scattered-site residences shall be permitted in any district permitting installation of a dwelling unit, subject to requirements and limitations applying generally to the residential use in the district, and provided the homes shall meet the following requirements and limitations:

(A) The home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building, and occupancy permits, and other certifications required by the code;

(B) The home shall be larger than 950 square feet of occupied space and shall be at least 23 feet in width;

(C) The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One and Two Family Dwelling Code and with manufacturer's installation specifications;

(D) The home shall be covered with an exterior material customarily used on site built residential dwellings, and the material shall extend over the top of the foundation;

(E) The home shall have a roof composed of a material customarily used on site built residential dwellings, such as asbestos, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used; and

(F) The home shall have been constructed after 1-1-1981.
(1981 Code, § 3.604) (Ord. 12-1982, passed 9-13-1982) Penalty, see § 151.99

§ 151.16 PROHIBITED PLACEMENT; EXCEPTIONS.

No person shall place or use a mobile home or a manufactured home not meeting the requirements of § 151.15, within the corporate limits of the Town of Cambridge City, except within a state licensed mobile home park which complies with the provisions of § 151.18; provided that mobile homes used in conjunction with construction projects and other similar special type uses may be located at the site of the construction project or special activity until the completion thereof; and, provided further, that emergency or temporary stopping or parking of a mobile home shall be permitted on any street, alley, or highway for not longer than four hours, subject to any other regulations, prohibitions, or limitations imposed by the traffic and parking regulations or laws for the street, alley, or highway.

(1981 Code, § 3.605) (Ord. 12-1982, passed 9-13-1982) Penalty, see § 151.99

§ 151.17 STRUCTURAL ALTERATION.

Due to its integral design, any structural alteration or modification of a manufactured home or mobile home after it is placed on the site must be approved by the Building Commissioner of the Town of Cambridge City.

(1981 Code, § 3.606) (Ord. 12-1982, passed 9-13-1982)

§ 151.18 MOBILE HOME PARKS.

All mobile home parks shall comply with all requirements of the Indiana State Board of Health and Wayne County Department of Health in addition to the following requirements:

(A) All mobile home parks shall be approved by the Board of Zoning Appeals in accordance with the requirements of the zoning ordinance.

(B) All mobile home parks shall comply with the specifications for development of the parks as set forth in §§ 151.35 and 151.36.

(1981 Code, § 3.607) (Ord. 12-1982, passed 9-13-1982) Penalty, see § 151.99

§ 151.19 EXISTING USES.

(A) *Continuance.* Nothing herein shall cause the termination of any nonconforming use or the vacation of any property currently being used for any prohibited or nonconforming use as set forth herein; provided that the nonconforming use was legally existing at the time of this chapter.

(B) *Discontinuance.* No lot or part thereof where a prohibited or nonconforming use as described herein has ceased for one year shall again be put to such a nonconforming use.

(C) *Enlargement of existing facilities.* No mobile home park shall be extended or enlarged unless the existing park is made to comply with all requirements for new construction for such an establishment.

(1981 Code, § 3.608) (Ord. 12-1982, passed 9-13-1982) Penalty, see § 151.99

§ 151.20 MOBILE HOME; CONVERSION.

No mobile home shall be converted to a permanent single-family dwelling by any or combination thereof of the following methods:

(A) Permanent attachment to or placing of the mobile home on a permanent foundation;

(B) Removal of the wheels and axle, undercarriage, or any part thereof; and/or

(C) Removal of the tongue or towing bar or any part thereof.
(1981 Code, § 3.609) (Ord. 12-1982, passed 9-13-1982)

MINIMUM SPECIFICATIONS FOR MOBILE HOME PARKS

§ 151.35 GENERAL.

Mobile home parks shall be designed and maintained in accordance with the following requirements.

(A) *Park area.* The minimum park area shall be two acres.

(B) *Mobile home unit space area.* The minimum area of a mobile home unit space within the mobile home park shall be 3,000 square feet.

(C) *Mobile home unit space width.* The minimum width of a mobile home unit space within the mobile home park shall be 40 feet.

(D) *Access.* Each mobile home park shall abut upon a public street and each mobile home unit space shall have direct access to a private, hard surface drive.

(E) *Distance from property lines.* The minimum distance between each mobile home and the exterior property lines of the park shall not be less than 25 feet.

(F) *Distance between mobile home and interior streets.* The distance between each mobile home and the abutting interior street shall not be less than five feet.

(G) *Distance between mobile homes.* The minimum distance between neighboring mobile homes shall be not less than 20 feet.

(H) *Foundations.* Each mobile home space shall be provided with one of the following foundations for adequate support of the mobile home:

(1) A concrete slab of not less than four inches thickness covering the entire area under the mobile home;

(2) A flexible pavement of not less than two inches thickness covering the entire area under the mobile home; or

(3) A crushed stone or gravel base course of not less than four inches thickness covering the entire area under the mobile home.

(I) *Utilities.* Each mobile home space shall be equipped with one electric outlet. A central sanitary sewer and central water system shall be installed in accordance with the requirements of the Health Officer, and each mobile home unit space shall be served by the sewer and water systems. Fire hydrants shall be located in accordance with the specifications of the American Insurance Association.

(J) *Interior streets.* The minimum roadway width of interior one-way streets with parking permitted on one side shall be 20 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 26 feet. The minimum width of two-way streets without parking permitted shall be 20 feet. The streets and all parking areas shall be paved according to the specifications for residential streets as set forth in the Cambridge City subdivision control ordinance and thoroughfare plan ordinance, maintained in good condition, and lighted at night.

(K) *Recreation areas.* There shall be provided within each mobile home park an adequate site or sites for recreation, for the exclusive use of the park occupants. The recreation site or sites shall have a minimum area in the aggregate of 100 square feet for each mobile home space. The recreation sites shall be of appropriate design and provided with appropriate equipment.

(L) *Length of occupancy.* No mobile home shall remain in a mobile home park for a period exceeding five days without connection to the central sanitary sewer system and central water system of the park.

(M) *Lot area occupancy.* The buildings, mobile homes, accessory and nonaccessory buildings on the lot shall not occupy in the aggregate more than 25% of the total area of the lot.

(N) *Entrance to mobile home parks.* No vehicular entrance to or exit from any mobile home park wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where the property is in another block of another street which the premises in question do not abut.

(O) *Landscaping; unused areas.* All areas not used for access, parking, circulation, buildings, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten feet in width shall be established and maintained within the mobile home park along its exterior boundaries. The strip of land shall be planted with coniferous or evergreen trees not less than six feet in height or a privacy-type fence, not less than six feet in height and shall be constructed in this strip of land.

(1981 Code, § 3.610) (Ord. 12-1982, passed 9-13-1982) Penalty, see § 151.99

§ 151.36 SUBMISSION OF PLANS.

An application to permit the construction of a mobile home park shall be in accordance with the requirements of the Cambridge City zoning ordinance and shall include a scale drawing certified by a registered engineer or surveyor. The drawing shall contain the following information:

(A) General information as follows:

- (1) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 5,000 feet;
- (2) Accurate distances and directions to the nearest established street corners of official monuments. Reference corners shall be accurately described on the plan;
- (3) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
- (4) Accurate metes and bounds description of the boundary;
- (5) Source of title to the land as shown by the books of the County Recorder;
- (6) Street names;
- (7) Complete curve data for all curves included in the plan;
- (8) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley, and lot lines;
- (9) Number of lots and dimensions of each lot including each lot area;
- (10) Easements for utilities and any limitations on the easements;
- (11) Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use;
- (12) Mobile home setbacks and other dimensions required herein;
- (13) Location, type, material, and size of all monuments and lot markers;
- (14) Restrictions of all types which will run with the land and become covenants in the deeds for lots;
- (15) Name of park;
- (16) Name and address of the owner and operator;
- (17) North point, scale, and date;
- (18) Certification by a registered professional engineer or land surveyor; and

(19) Certificate for approval by the Board.

(B) All roads and approaches and the method of ingress and egress;

(C) The complete electric service installation, wire service outlets, and lighting facilities;

(D) The complete location of any natural gas facilities to serve the mobile home park;

(E) A complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof;

(F) A complete drainage plan for the park and surrounding affected areas; and

(G) The location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users; location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, and other buildings or structures contemplated to be used by the applicant in connection with the mobile home park.

(1981 Code, § 3.611) (Ord. 12-1982, passed 9-13-1982)

ADMINISTRATION

§ 151.50 ENFORCEMENT.

The provisions of this chapter shall be enforced by the Cambridge City Building Commissioner or his or her authorized representative.

(1981 Code, § 3.612) (Ord. 12-1982, passed 9-13-1982)

§ 151.51 REMEDIES.

Any mobile home or manufactured home located or placed, on any land or premises used in violation of any provision of this chapter or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

(1981 Code, § 3.614) (Ord. 12-1982, passed 9-13-1982)

§ 151.99 PENALTY.

The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.
(Ord. 8-2008, passed 12-8-2008)

CHAPTER 152: THOROUGHFARE PLAN

Section

- 152.01 Map of thoroughfares
- 152.02 Drawing
- 152.03 Designation of thoroughfares
- 152.04 Policies and directives
- 152.05 Continuing authority of Town Plan Commission
- 152.06 Amendments
- 152.07 File copies

- 152.99 Penalty

§ 152.01 MAP OF THOROUGHFARES.

The Official Thoroughfare Plan of the Town of Cambridge City, Indiana, consists of a map entitled “Thoroughfare Plan, Cambridge City, Jurisdictional Area,” which shows the location of existing and proposed thoroughfares within the jurisdiction of the Cambridge City Town Plan Commission, and is hereby declared to be a part of this chapter. Notations, references, indicates, and other details shown on the Official Thoroughfare Plan are as much a part of this chapter as if they were fully described in the text of this chapter.

(1981 Code, § 3.401) (Ord. 8-1957, passed 8-26-1957)

Editor’s Note:

Two copies of the provisions adopted by reference in this section are available for public inspection at the office of the Clerk-Treasurer during regular business hours.

§ 152.02 DRAWING.

A drawing entitled “Typical Thoroughfare Cross-Sections, Cambridge City, Indiana,” shows cross-sections for streets as designated on the Thoroughfare Plan Map.

(1981 Code, § 3.402) (Ord. 8-1957, passed 8-26-1957)

Editor’s Note:

Two copies of the provisions adopted by reference in this section are available for public inspection at the office of the Clerk-Treasurer during regular business hours.

§ 152.03 DESIGNATION OF THOROUGHFARES.

The thoroughfares within the jurisdiction of the Town of Cambridge City Town Plan Commission are classified as to width and type in accordance with their function as a part of the thoroughfare system. The streets are to be provided with the right-of-way widths shown on the thoroughfare plan as set out in this chapter and are to be improved as required by the subdivision control ordinance of Cambridge City providing for the control of the subdivision of land.

(1981 Code, § 3.403) (Ord. 8-1957, passed 8-26-1957)

§ 152.04 POLICIES AND DIRECTIVES.

(A) *Opening or widening of streets.* Whenever a street designated on the plan is to be platted as a part of a subdivision of land, the right-of-way width shall conform to the policies and specific designations and indications in the thoroughfare plan, provided that where a street borders a tract of land to be subdivided, the owner of the land shall be required to plat only one-half of the right-of-way width designated for the street, measured at 90 degrees to the center line thereof.

(B) *Location of streets.* Wherever the locations of streets are indicated as following existing roads or streets, or section or half-section lines, or other established property lines, they shall conform to the locations; however, streets lying wholly within a subdivision, and not designated as following an existing road or section line, may be varied in their alignment when the variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if the alignment provides for the continuity of traffic movement.

(C) *Consideration by public agencies.* After adoption of the thoroughfare plan, the Town Council shall be guided by and give consideration to the general policy and pattern of development set out in the thoroughfare plan in the authorization, construction, alteration, or abandonment of public highways and structures.

(D) *Issuance of permits.* In the case of permits authorized by §§ 150.20 through 150.25, for the erection or alteration of structures and other improvements, the permit shall be issued only if the proposed street and thoroughfare rights-of-way as set forth by this plan will be protected from encroachment and, for planning and zoning purposes, the proposed street and thoroughfare right-of-way lines will be considered as the front line of lots and tracts bordering the streets and thoroughfares.

(1981 Code, § 3.404) (Ord. 8-1957, passed 8-26-1957)

§ 152.05 CONTINUING AUTHORITY OF TOWN PLAN COMMISSION.

Subsequent to the adoption of the thoroughfare plan, the Town Plan Commission may:

(A) Determine lines for new, extended, widened, or narrowed thoroughfares in any portion under the jurisdiction of the Town of Cambridge City Town Plan Commission; and/or

(B) Certify to the Town Council the amended or additional plan under the same procedures as established for the certification and approval of the original thoroughfare plan.
(1981 Code, § 3.405) (Ord. 8-1957, passed 8-26-1957)

§ 152.06 AMENDMENTS.

In addition to the provisions of § 152.05, amendments may be initiated as follows.

(A) The Town Council may direct the Town Plan Commission to prepare an amendment, as desired, and submit it to public hearing within 60 days after formal written request by the Town Council.

(B) The owners of 50% or more of the area of property abutting upon a street may also petition the Town Plan Commission requesting an amendment to the thoroughfare plan.
(1981 Code, § 3.406) (Ord. 8-1957, passed 8-26-1957)

§ 152.07 FILE COPIES.

Two copies of the Official Thoroughfare Plan and two copies of the Typical Thoroughfare Cross-Sections shall be kept on file in the office of the Clerk-Treasurer of the Town of Cambridge City and shall be subject to public examination during the regular office hours of the Clerk-Treasurer.
(1981 Code, § 3.407) (Ord. 8-1957, passed 8-26-1957)

§ 152.99 PENALTY.

The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.
(Ord. 8-2008, passed 12-8-2008)

CHAPTER 153: BUILDINGS

Section

Building Standards

- 153.01 Title
- 153.02 Purpose
- 153.03 Authority
- 153.04 Scope
- 153.05 Adoption of regulations by reference
- 153.06 Application for permits
- 153.07 Permit required
- 153.08 Other ordinances
- 153.09 Fees and required inspections
- 153.10 Review of application
- 153.11 Inspections
- 153.12 Entry
- 153.13 Stop order
- 153.14 Certificate of occupancy
- 153.15 Standards
- 153.16 Violations
- 153.17 Right of appeal
- 153.18 Remedies
- 153.19 Effective date

Enforcement of Building Standards

- 153.30 Definitions
- 153.31 Unsafe building and unsafe premises described
- 153.32 Order; notice
- 153.33 Modification or rescission of order; notification; service
- 153.34 Hearing
- 153.35 Review by circuit or superior court
- 153.36 Emergency action authorized; limitations; costs
- 153.37 Order to seal unsafe building performed by contractor
- 153.38 Manners authorized for performance; bids; notification; service
- 153.39 Joint and several liability for costs; determination of average processing expense; notice
- 153.40 Suit for costs

- 153.41 Establishment of Unsafe Building Fund
- 153.42 Issuance of inspection warrants
- 153.43 Enforcement through civil action authorized
- 153.44 Requirements for proper notice
- 153.45 Recording of orders and statements; interest taken subject to orders and statements
- 153.46 Noncompliance with order following notice; liability for failure to give notice as to judgment against governmental entity
- 153.47 Violations

- 153.99 Penalty

BUILDING STANDARDS

§ 153.01 TITLE.

This subchapter, and all ordinances supplemental or amendatory hereto, shall be known as the building code of the Town of Cambridge City, Indiana, may be cited as such, and will be referred to herein as “this subchapter.”

(1981 Code, § 3.701) (Ord. 2-1988, passed 2-8-1988)

§ 153.02 PURPOSE.

The purpose of this subchapter is to provide minimum standards for the protection of life, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.

(1981 Code, § 3.702) (Ord. 2-1988, passed 2-8-1988)

§ 153.03 AUTHORITY.

The Building Code Inspector is hereby authorized and directed to administer and enforce all of the provisions of this subchapter. Whenever in the building regulations it is provided that anything must be done to the approval of or subject to the direction of the Building Code Inspector or any other officer of the town, this shall be construed to give the officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what the regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances, or to enforce ordinance provisions in an arbitrary or discriminatory manner.

(1981 Code, § 3.703) (Ord. 2-1988, passed 2-8-1988)

§ 153.04 SCOPE.

The provisions of this subchapter apply to the construction, alteration, repair, use, occupancy, maintenance, and additions to all buildings and structures, other than fences, in the Town of Cambridge City, Indiana.

(1981 Code, § 3.704) (Ord. 2-1988, passed 2-8-1988)

§ 153.05 ADOPTION OF REGULATIONS BY REFERENCE.

(A) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this subchapter and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

- (1) Article 13 - Building Codes:
 - (a) Fire and Building Safety Standards;
 - (b) Indiana Building Code;
 - (c) Indiana Building Code Standards; and
 - (d) Indiana Handicapped Accessibility Code.
- (2) Article 14 - One and Two Family Dwelling Codes:
 - (a) Council of American Building Officials One and Two Family Dwelling Code;
 - (b) CABO One and Two Family Dwelling Code; Amendments; and
 - (c) Standard for Permanent Installation of Manufactured Homes.
- (3) Article 16 - Plumbing Codes: Indiana Plumbing Code;
- (4) Article 17 - Electrical Codes:
 - (a) Indiana Electrical Code; and
 - (b) Safety Code for Health Care Facilities.
- (5) Article 18 - Mechanical Codes: Indiana Mechanical Code;

(6) Article 19 - Energy Conservation Codes:

(a) Indiana Energy Conservation Code; and

(b) Modifications to the Model Energy Code.

(7) Article 20 - Swimming Pool Codes: Indiana Swimming Pool Code.

(B) Copies of this subchapter and rules, codes, and standards adopted herein by reference are on file as required by law in the office of the Town Clerk-Treasurer.

(1981 Code, § 3.705) (Ord. 2-1988, passed 2-8-1988)

§ 153.06 APPLICATION FOR PERMITS.

No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. In addition, a copy of a design release from the Indiana Department of Fire and Building Services shall be provided to the Building Code Inspector before issuance of a permit for construction covered by the design release.

(1981 Code, § 3.706) (Ord. 2-1988, passed 2-8-1988)

§ 153.07 PERMIT REQUIRED.

A permit shall be obtained before beginning construction, alteration, or repair of any building or structure, the cost of which exceeds \$500, using forms furnished by the Building Code Inspector. All permits shall be issued by the Building Code Inspector, and all fees provided for herein shall be paid to the Town Clerk-Treasurer.

(1981 Code, § 3.707) (Ord. 2-1988, passed 2-8-1988) Penalty, see § 153.99

§ 153.08 OTHER ORDINANCES.

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in the ordinances.

(1981 Code, § 3.708) (Ord. 2-1988, passed 2-8-1988)

§ 153.09 FEES AND REQUIRED INSPECTIONS.

(A) Permits required by § 153.07 shall be issued upon prior payment of inspection fees according to the following schedule:

<i>Type of Construction</i>	<i>Required Inspections</i>	<i>Single Inspection Fee</i>	<i>Permit Fee</i>
One- or Two-Family Dwelling, detached	4	\$15	\$60
Apartments, Hotels, Motels, ea. unit	3	\$15	\$45
Business, Commercial, Public	6	\$15	\$90
Educational, Institutional, Church	6	\$15	\$90
Industrial, Warehouse, Bulk Storage	4	\$15	\$60
Mobile Homes, Temporary Structures	1	\$15	\$15
Accessory Buildings (residential use)	1	\$15	\$15
Additions/Alterations (all occupancies)	2	\$15	\$30

(B) The minimum permit fee for any permit shall be \$15. For unusually large or complex buildings or structures, the Building Code Inspector shall have the power to increase the number of required inspections by 50%. The Building Code Inspector shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundations without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. Where additional inspections are required due to failure of the permit holder to have work ready for inspection at a designated stage of construction, the Building Code Inspector shall have the power to assess a reinspection fee of \$15 for each additional inspection. Reinspection fees shall be paid to the Town Clerk-Treasurer prior to the issuance of a certificate of occupancy. The Building Code Inspector shall submit an annual report to the legislative body which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary. (1981 Code, § 3.709) (Ord. 2-1988, passed 2-8-1988)

§ 153.10 REVIEW OF APPLICATION.

Prior to the issuance of any building permit hereunder, the Building Code Inspector shall:

(A) Review all building permit applications to determine full compliance with the provisions of this subchapter;

(B) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding;

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair uses construction materials and utility equipment that are resistant to flood damage, and uses construction methods and practices that will minimize flood damage; and

(D) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) is protected against flood damage, is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage, and uses construction methods and practices that will minimize flood damage.

(1981 Code, § 3.710) (Ord. 2-1988, passed 2-8-1988)

§ 153.11 INSPECTIONS.

After the issuance of any building permit hereunder, the Building Code Inspector shall make, or shall cause to be made, the inspections of the work being done under the permit as are necessary to insure full compliance with the provisions of this subchapter and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this subchapter. The Chief of the Fire Department, or his or her designated representative, shall assist the Building Code Inspector in the inspection of fire suppression, detection and alarm systems and shall provide reports of the inspection to the Building Code Inspector.

(1981 Code, § 3.711) (Ord. 2-1988, passed 2-8-1988)

§ 153.12 ENTRY.

Upon presentation of proper credentials, the Building Code Inspector or his or her duly authorized representatives may enter at reasonable times any building, structure, or premises in the Town of Cambridge City to perform any duty imposed upon him or her by this subchapter.

(1981 Code, § 3.712) (Ord. 2-1988, passed 2-8-1988)

§ 153.13 STOP ORDER.

Whenever any work is being done contrary to the provisions of this subchapter, the Building Code Inspector may order the work stopped by notice in writing served on any persons engaged in the doing or causing the work to be done, and any such persons shall forthwith stop the work until authorized by the Building Code Inspector to proceed with the work.

(1981 Code, § 3.713) (Ord. 2-1988, passed 2-8-1988)

§ 153.14 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure erected, altered, or repaired after the adoption of this subchapter shall be issued unless the building or structure was erected, altered, or repaired in compliance with the provisions of this subchapter.

(1981 Code, § 3.714) (Ord. 2-1988, passed 2-8-1988)

§ 153.15 STANDARDS.

All work on the construction, alteration, and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

(1981 Code, § 3.715) (Ord. 2-1988, passed 2-8-1988) Penalty, see § 153.99

§ 153.16 VIOLATIONS.

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, other than fences, in the Town of Cambridge City or cause or permit the same to be done, contrary to or in violation of the provisions of this subchapter.

(1981 Code, § 3.716) (Ord. 2-1988, passed 2-8-1988) Penalty, see § 153.99

§ 153.17 RIGHT OF APPEAL.

All persons shall have the right to appeal the Building Code Inspector's decision first through the Town Council, and then to the Indiana Fire Prevention and Building Safety Commission, in accordance with the provisions of I.C. 22-13-2-7 and I.C. 4-21.5-3-7 as applicable.

(1981 Code, § 3.717) (Ord. 2-1988, passed 2-8-1988)

§ 153.18 REMEDIES.

The Building Code Inspector shall, in the name of the Town of Cambridge City, bring actions in the Circuit or Superior Courts of Wayne County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Code Inspector, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this subchapter.

(1981 Code, § 3.718) (Ord. 2-1988, passed 2-8-1988)

§ 153.19 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after its adoption, approval by the Indiana Fire Prevention and Building Safety Commission, and publication as required by law. (1981 Code, § 3.720) (Ord. 2-1988, passed 2-8-1988)

ENFORCEMENT OF BUILDING STANDARDS**§ 153.30 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPARTMENT. The Department of Buildings of the town.

ENFORCEMENT AUTHORITY. The Building Commissioner who is the chief administrative officer of the Department of Buildings.

HEARING AUTHORITY. The Town Council.

SUBSTANTIAL PROPERTY INTEREST. Any right in real property that may be affected in a substantial way by actions authorized by this subchapter, including a fee interest, a life estate, a future interest, a present possessory interest, or an equitable interest of a contract purchaser. (1981 Code, § 3.801) (Ord. 10-1982, passed 8-9-1982)

§ 153.31 UNSAFE BUILDING AND UNSAFE PREMISES DESCRIBED.

(A) For purposes of this subchapter, a building or structure, or any part of a building or structure, is considered an ***UNSAFE BUILDING*** if it is:

- (1) In an impaired structural condition that makes it unsafe to a person or property;
- (2) A fire hazard;
- (3) A hazard to the public health;
- (4) A public nuisance; or

(5) Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance.

(B) For purposes of this subchapter, an unsafe building and the tract of real property on which the unsafe building is located are considered unsafe premises.
(1981 Code, § 3.802) (Ord. 10-1982, passed 8-9-1982)

§ 153.32 ORDER; NOTICE.

(A) (1) The enforcement authority may issue an order requiring action relative to any unsafe premises, including:

(a) Vacating of an unsafe building;

(b) Sealing an unsafe building against intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;

(c) Extermination of vermin in and about the unsafe premises;

(d) Repair of an unsafe building to bring it into compliance with standards for building condition or maintenance prescribed by law;

(e) Removal of part of an unsafe building; and

(f) Removal of an unsafe building.

(2) Notice of the order must be given under § 153.44. The ordered action must be reasonably related to the condition of the unsafe premises and the nature and use of nearby properties. The order supersedes any permit relating to building or land use, whether that permit is obtained before or after the order is issued.

(B) The order must contain:

(1) The name of the person to whom the order is issued;

(2) The legal description or address of the unsafe premises that are subject of the order;

(3) The action that the order requires;

(4) The period of time in which the action is required to be accomplished, measured from the time when the notice of the order is given;

(5) If a hearing is required, a statement indicating the exact time and place of the hearing, and stating that the person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments;

(6) If a hearing is not required, a statement that an order under division (A)(1)(b) above becomes final ten days after notice is given, unless a hearing is requested in writing by a person holding a fee interest or life estate interest in the unsafe premises, and the request is delivered to the enforcement authority before the end of the ten-day period;

(7) A statement briefly indicating what action can be taken by the enforcement authority if the order is not complied with;

(8) A statement indicating the obligation created by § 153.46 relating to notification of subsequent interest holders and the enforcement authority; and

(9) The name, address, and telephone number of the enforcement authority.

(C) The order must allow a sufficient time, of at least ten days from the time when notice of the order is given, to accomplish the required action. If the order allows more than 30 days to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within 30 days.

(D) The order expires two years from the day the notice of the order is given, unless one or more of the following events occurs within that two-year period:

(1) A complaint requesting judicial review is filed under § 153.38;

(2) A contract for action required by the order is let at public bid under § 153.40; and/or

(3) A civil action is filed under § 153.43.

(1981 Code, § 3.803) (Ord. 10-1982, passed 8-9-1982)

§ 153.33 MODIFICATION OR RESCISSION OF ORDER; NOTIFICATION; SERVICE.

(A) The enforcement authority may issue an order that modifies or rescinds the order previously issued.

(B) All persons who have been issued an order must be notified of its rescission under § 153.44, by means of a written statement, including:

(1) The name of the person to whom the statement of rescission is issued;

(2) The legal description or address of the unsafe premises that are the subject of the order being rescinded;

- (3) The substance of the order being rescinded;
- (4) A statement that the order is being rescinded; and
- (5) The name, address, and telephone number of the enforcement authority.

(C) If service of the order being modified or rescinded was by publication, it is sufficient to serve the statement of modification or rescission by publication, unless the enforcement authority has received information in writing that enables it to make service under § 153.44 by a method other than publication. If service of a statement of rescission is by publication, the publication must include the items listed in divisions (B) above.

(1981 Code, § 3.804) (Ord. 10-1982, passed 8-9-1982)

§ 153.34 HEARING.

(A) A hearing must be held relative to each order of the enforcement authority, except for an order issued under § 153.32. An order issued under § 153.32 becomes final ten days after notice is given, unless a hearing is requested before the ten-day period ends by a person holding a fee interest or life estate interest in the unsafe premises. The hearing shall be conducted by the hearing authority.

(B) The hearing shall be held on a business day no earlier than ten days after notice of the order is given. The hearing authority may however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five days after notice is given, to continue the hearing to a business day not later than 14 days after the hearing date shown on the order. Unless the hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five days before the continued hearing date, in the manner prescribed by § 153.44. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement authority has received information in writing that enables it to make service under § 153.44 by a method other than publication.

(C) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments.

(D) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:

- (1) Affirm the order;
- (2) Rescind the order; or

(3) Modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.

(E) If, at a hearing, a person to whom an order has been issued requests an additional period to accomplish action required by the order, and shows good cause for this request to be granted, the hearing authority may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the order is not completed within the additional period.

(F) The Town Council shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with I.C. 5-3-1(5.3-1-1-- 5-3-1), adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The hearing authority shall use this schedule to fix the amount of the performance bond required under division (E) above.

(G) The record of the findings made and action taken at the hearing shall be available to the public upon request. However, neither the enforcement authority nor the hearing authority is required to give any person notice of the findings and action.

(1981 Code, § 3.805) (Ord. 10-1982, passed 8-9-1982)

§ 153.35 REVIEW BY CIRCUIT OR SUPERIOR COURT.

(A) An action taken under § 153.34(D) is subject to review by the circuit or superior court of the county in which the unsafe premises are located, on request of:

- (1) Any person who has a substantial property interest in the unsafe premises; or
- (2) Any person to whom that order was issued.

(B) A person requesting judicial review under this section must file a verified complaint including the findings of fact and the action taken by the hearing authority. The complaint must be filed within ten days after the date when the action was taken.

(C) An appeal under this section is an action de novo. The court may affirm, modify, or reverse the action taken by the hearing authority.

(1981 Code, § 3.806) (Ord. 10-1982, passed 8-9-1982)

§ 153.36 EMERGENCY ACTION AUTHORIZED; LIMITATIONS; COSTS.

(A) If the enforcement authority finds it necessary to take emergency action concerning an unsafe premises in order to protect life, safety, or property, it may take that action without issuing an order or giving notice. However, this emergency action must be limited to removing any immediate danger.

(B) The department, acting through the enforcement authority, may recover the costs incurred by the enforcement authority in taking emergency action, by filing a civil action in the circuit court or superior court of the county against the persons who held a fee interest or life estate interest in the unsafe premises at the time the enforcement authority found it necessary to take emergency action. The department is not liable for the costs of this civil action.
(1981 Code, § 3.807) (Ord. 10-1982, passed 8-9-1982)

§ 153.37 ORDER TO SEAL UNSAFE BUILDING PERFORMED BY CONTRACTOR.

(A) The enforcement authority may cause the action required by an order to seal an unsafe building under § 153.32 to be performed by a contractor if:

- (1) The order has been served, in the manner prescribed by § 153.44, on each person having a fee interest or life estate interest in the unsafe premises that are the subject of the order;
- (2) The order has not been complied with;
- (3) A hearing was not requested under § 153.32, or, if a hearing was requested, the order was affirmed at the hearing; and
- (4) The order is not being reviewed under § 153.35.

(B) The enforcement authority may cause the action required by an order, other than an order under § 153.32, to be performed if:

- (1) An order has been issued to each person having a substantial property interest in the unsafe premises;
- (2) Service of an order, in the manner prescribed by § 153.44, has been made on each person having a substantial property interest in the unsafe premises that are the subject of the order;
- (3) The order has been affirmed or modified at the hearing in such a manner that all persons having a substantial property interest in the unsafe premises that are the subject of the order are currently subject to an order requiring the accomplishment of substantially identical action;
- (4) The order, as affirmed or modified at the hearing, has not been complied with; and
- (5) The order is not being reviewed under § 153.35.

(C) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement that the enforcement authority intends to perform the work by publication, unless the authority has received information in writing that enables it to make service under § 153.44 by a method other than publication.
(1981 Code, § 3.808) (Ord. 10-1982, passed 8-9-1982)

§ 153.38 MANNERS AUTHORIZED FOR PERFORMANCE; BIDS; NOTIFICATION; SERVICE.

(A) The work required by an order of the enforcement authority may be performed in the following manners.

(1) If the work is being performed under an order other than an order under § 153.32, and if the cost of this work is estimated to be less than \$5,000, the Department, acting through its enforcement authority or other agent, may perform the work by means of its own workers and equipment owned or leased by it. Notice that this work is to be performed must be given to all persons with a substantial property interest, in the manner prescribed in division (C) below, at least ten days before the date of performance of the work by the enforcement authority. This notice must include a statement that an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter and performing the work may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest or life estate interest in the unsafe premises.

(2) If the work is being performed under an order other than an order under § 153.32 and if the estimated cost of this work is \$5,000 or more, this work must be let at public bid to a contractor licensed and qualified under law. The obligation to pay costs imposed by § 153.39 is based on the condition of the unsafe premises at the time the public bid was accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted do not eliminate or diminish this obligation.

(3) If the work is being performed under an order to seal an unsafe building under § 153.32, the work may be performed by a contractor who has been awarded a base bid contract to seal unsafe buildings for the enforcement authority, or by the Department, acting through its enforcement authority or other governmental agency and using its own workers and equipment owned or leased by it. The unsafe building may be sealed without further notice to the persons holding a fee interest or life estate interest, and these persons are liable for the costs incurred by the enforcement authority in processing the matter and performing the work, as provided by § 153.39.

(B) Bids may be solicited and accepted for work on more than one property if the bid reflects an allocation of the bid amount among the various unsafe premises in proportion to the work to be accomplished. The part of the bid amount attributable to each of the unsafe premises constitutes the basis for calculating the part of the costs described by § 153.39.

(C) All persons who have a substantial property interest in the unsafe premises and are subject to an order other than an order under § 153.32 must be notified about the public bid in the manner prescribed by § 153.44, by means of a written statement, including:

- (1) The name of the person to whom the order was issued;
- (2) A legal description or address of the unsafe premises that are the subject of the order;

(3) A statement that a contract is to be let at public bid to a licensed contractor to accomplish work to comply with the order;

(4) A description of work to be accomplished;

(5) A statement that both the bid price of the licensed contractor who accomplishes the work and an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter of the unsafe premises may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest or life estate interest in the unsafe premises;

(6) The time of the bid opening;

(7) The place of the bid opening; and

(8) The name, address, and telephone number of the enforcement authority.

(D) If the notice of the statement that public bids are to be let is served by publication, the publication must include the information required by division (C) above, except that it need only include a general description of the work to be accomplished. The publication must also state that a copy of the statement of public bid may be obtained from the enforcement authority.

(E) Notice of the statement that public bids are to be let must be given, at least ten days before the date of the public bid, to all persons who have a substantial property interest in the property and are subject to an order other than an order under § 153.32.

(F) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement that public bids are to be let by publication, unless the enforcement authority has received information in writing that enables it to make service under § 153.44 by a method other than publication.

(1981 Code, § 3.809) (Ord. 10-1982, passed 8-9-1982)

§ 153.39 JOINT AND SEVERAL LIABILITY FOR COSTS; DETERMINATION OF AVERAGE PROCESSING EXPENSE; NOTICE.

(A) When action required by an order is performed by the enforcement authority or by a contractor acting under § 153.38, each person who held a fee interest or life estate interest in the unsafe premises from the time when the order requiring the work performed was recorded to the time that the work was completed is jointly and severally responsible for the following costs:

(1) The actual cost of the work performed by the enforcement authority or the bid price of work accomplished by the contractor under § 153.38; and

(2) An amount that represents a reasonable forecast of the average processing expense that will be incurred by the enforcement authority in taking the technical, administrative, and legal actions concerning typical unsafe premises that are necessary under this subchapter so that the action required by an order may be performed by a contractor under § 153.38. In calculating the amount of the average processing expense, the following costs may be considered:

(a) The cost of obtaining reliable information about the identity and location of persons who own a substantial property interest in the unsafe premises;

(b) The cost of notice of orders, notice of statements of rescission, notice of continued hearing, notice of statements that public bids are to be let or that the enforcement authority intends to accomplish the work, and notice that a hearing may be held on the amounts indicated in the record, in accordance with § 153.44;

(c) Salaries for employees; and

(d) The cost of supplies, equipment, and office space.

(B) The Town Council shall determine the amount of the average processing expense at the public hearing, after notice has been given in the same manner as is required for other official action of the Town Council. In determining the average processing expense, the Town Council may fix the amount at a full dollar amount that is an even multiple of ten.

(1981 Code, § 3.810) (Ord. 10-1982, passed 8-9-1982)

§ 153.40 SUIT FOR COSTS.

(A) (1) If all or any part of the costs listed in § 153.39 remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than 15 days after the completion of work, and if the enforcement authority determines that there is a reasonable probability of obtaining recovery, the enforcement authority shall prepare a record stating:

(a) The name and last known address of each person who held a fee interest or life estate interest in the unsafe premises from the time the order requiring the work to be performed was recorded to the time that the work was completed;

(b) The legal description or address of the unsafe premises that were the subject of work;

(c) The nature of the work that was accomplished;

(d) The amount of the unpaid bid price of the work that was accomplished; and

(e) The amount of the unpaid average processing expense.

(2) The record must be in a form approved by the State Board of Accounts.

(B) The enforcement authority, or its head, shall swear to the accuracy of the record before the Clerk of the Circuit Court and deposit the record in the Clerk's office. Notice that the record has been filed and that a hearing on the amounts indicated in the record may be held must be sent to the persons named in the record, in the manner prescribed by § 153.44.

(C) If, within 30 days after the notice required by division (B), a person named in the record files with the Clerk of the Circuit Court a written petition objecting to the claim for payment and requesting a hearing, the Clerk shall enter the cause on the docket of the circuit or superior court as a civil action, and a hearing shall be held on the question in the manner prescribed by I.C. 4-21.5-1 *et seq.*

(D) If no petition is filed under division (C) above, the Clerk of the Circuit Court shall enter the cause on the docket of the court, and the court shall enter a judgment for the amounts stated in the record.

(E) A judgment under divisions (C) or (D) above is a debt and a lien on all the real and personal property of the person named, or a joint and several debt and lien on the real and personal property of the persons named. The lien on real property is perfected against all creditors and purchasers when the judgment is entered on the judgment docket of the court. The lien on personal property is perfected by filing a *lis pendens* notice in the appropriate filing office, as prescribed by the Indiana Rules of Trial Procedure.

(F) Judgments rendered under this section may be enforced in the same manner as all other judgments are enforced.

(1981 Code, § 3.811) (Ord. 10-1982, passed 8-9-1982)

§ 153.41 ESTABLISHMENT OF UNSAFE BUILDING FUND.

(A) The enforcement authority shall establish in its operating budget a fund designated as the Unsafe Building Fund. Any balance remaining at the end of a fiscal year shall be carried over in the Fund for the following year and does not revert to the General Fund.

(B) Money for the Unsafe Building Fund may be received from any source, including appropriations by local, state, or federal governments, and donations. The following money shall be deposited in the Fund:

(1) Money received as payment for or settlement of obligations or judgments established under §§ 153.36 through 153.40 and 153.43;

(2) Money received from bonds posted under § 153.34; and

(3) Money received in satisfaction of receivers' notes or certificates that were purchased with money from the Unsafe Building Fund.

(C) Money in the Unsafe Building Fund may be used for the expenses incurred in carrying out the purposes of this subchapter, including:

- (1) The cost of obtaining reliable information about the identity and location of each person who owns a substantial property interest in the unsafe premises;
- (2) The cost of an examination of an unsafe building by a registered architect or registered engineer not employed by the Department;
- (3) The cost of surveys necessary to determine the location and dimensions of real property on which an unsafe building is located;
- (4) The cost of giving notice of orders, notice of statements of rescission, notice of continued hearing, and notice of statements that public bids are to be let in the manner prescribed by § 153.44;
- (5) The bid price of work by a contractor under §§ 153.37 or 153.43;
- (6) The cost of emergency action under § 153.36; and
- (7) The cost of notes or receivers' certificates issued under I.C. 36-7-9-20.

(D) Payment of money from the Unsafe Building Fund must be made in accordance with applicable law.
(1981 Code, § 3.812) (Ord. 10-1982, passed 8-9-1982)

§ 153.42 ISSUANCE OF INSPECTION WARRANTS.

(A) If the owners or those in possession of a building refuse inspection, the enforcement authority may obtain an inspection warrant from any court of record in the county in which the building is located in order to determine if the building is an unsafe building. The court shall issue the warranty subject to the following conditions.

- (1) The person seeking the warrant must establish that the building to be searched or inspected is to be searched or inspected as part of a legally authorized program of inspection that naturally includes the building, or that there is probable cause for believing that a condition, object, activity, or circumstance legally justifies a search or inspection of that building.
- (2) An affidavit establishing one of the grounds described in division (A)(1) above must be signed under oath or affirmation by the affiant.
- (3) The court must examine the affiant under oath or affirmation to verify the accuracy of the affidavit.

(B) The warrant is valid only if it:

(1) Is signed by the judge of the court and bears the date and hour of its issuance above that signature, with a notation that the warrant is valid for only 48 hours after its issuance;

(2) Describes (either directly or by reference to the affidavit) the building where the search or inspection is to occur so that the executor of the warrant and (the) owner or the possessor of the building can reasonably determine what property the warrant authorizes an inspection of;

(3) Indicates the conditions, objects, activities, or circumstances that the inspection is intended to check or reveal; and

(4) Is attached to the affidavit required to be made in order to obtain the warrant.

(C) A warrant issued under this section is valid for only 48 hours after its issuance, must be personally served upon the owner or possessor of the building, and must be returned within 72 hours. (1981 Code, § 3.813) (Ord. 10-1982, passed 8-9-1982)

§ 153.43 ENFORCEMENT THROUGH CIVIL ACTION AUTHORIZED.

The Department, acting through its enforcement authority, may bring a civil action regarding unsafe premises in the circuit, superior, or municipal court of the county. The Department is not liable for the costs of such an action.

(1981 Code, § 3.814) (Ord. 10-1982, passed 8-9-1982)

§ 153.44 REQUIREMENTS FOR PROPER NOTICE.

(A) Notice of orders, notice of statements of rescission, notice of continued hearings, notice of a statement that public bids are to be let, and notice of claims for payment must be given by:

(1) Sending a copy of the order or statement by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;

(2) Delivering a copy of the order or statement personally to the person to be notified; or

(3) Leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified.

(B) If, after a reasonable effort, service is not obtained by a means described in division (A) above, service may be made by publishing a notice of the order or statement in accordance with I.C. 5-3-1 in the county where the unsafe premises are located. However, publication may be made on consecutive

days. If service of an order is made by publication, the publication must include the information required by § 153.32, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority.

(C) When service is made by any of the means described in this section, except by mailing or by publication, the person making service must make an affidavit stating that he or she has made the service, the manner in which service was made, to whom the order or statement was issued, the nature of the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.

(D) The date when notice of the order or statement is considered given is as follows.

(1) If the order or statement is delivered personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at his or her dwelling or usual place of abode.

(2) If the order or statement is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the enforcement authority.

(3) Notice by publication is considered given on the date of the second day that publication was made.

(E) (1) Notice of orders, notice of statement of rescission, notice of continued hearings, and notice of a statement that public bids are to be let need not be given to a person holding a property interest in an unsafe premises if:

(a) No instrument reflecting the property interest held by the person is recorded in the recorder's office of the county where the unsafe premises is located;

(b) The order or statement was recorded in accordance with § 153.45; and

(c) The enforcement authority has received neither written information nor actual notice of the identity of the person who holds a property interest in the unsafe premises.

(2) A person who fails to record an instrument reflecting an interest in his or her unsafe premises is considered to consent to action taken under this subchapter relative to which notice would otherwise be given.

(1981 Code, § 3.815) (Ord. 10-1982, passed 8-9-1982)

§ 153.45 RECORDING OF ORDERS AND STATEMENTS; INTEREST TAKEN SUBJECT TO ORDERS AND STATEMENTS.

(A) The enforcement authority shall record in the office of the County Recorder orders issued under §§ 153.32 or 153.33, statements of rescission issued under § 153.33, statements that public bids are to be let under § 153.38, and records of action taken by the hearing authority under § 153.34. The Recorder may not charge a fee for recording these items.

(B) A person who takes an interest in unsafe premises that are the subject of an order takes that interest, whether or not a hearing has been held, subject to the terms of the order and in such a manner that all of the requirements of §§ 153.37, 153.38, and 153.43 relating to the issuance of orders, service of orders and affirmation of orders are considered satisfied. If a hearing has been held, the interest is taken subject to the terms of the order as modified at the hearing and in such a manner that all of the requirements of §§ 153.37, 153.38, and 153.43 relating to the issuance of orders, service of orders, and modification of orders at hearing are considered satisfied.

(C) A person who takes an interest in unsafe premises that are the subject of a statement that public bids are to be let takes the interest subject to the terms of the statement and in such a manner that the notice of the statement required by § 153.38 is considered given to the person.
(1981 Code, § 3.816) (Ord. 10-1982, passed 8-9-1982)

§ 153.46 NONCOMPLIANCE WITH ORDER FOLLOWING NOTICE; LIABILITY FOR FAILURE TO GIVE NOTICE AS TO JUDGMENT AGAINST GOVERNMENTAL ENTITY.

(A) A person who has been issued and has received notice of an order relative to unsafe premises and has not complied with that order:

(1) Must supply full information regarding the order to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest; and

(2) Must, within five days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the enforcement authority with written copies of:

(a) The full name, address, and telephone number of the person taking a substantial property interest in the unsafe premises; and

(b) The legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

(B) If a judgment is obtained against the department, enforcement authority, or other governmental entity for the failure of that entity to provide notice to persons holding an interest in unsafe premises in an action taken by the entity under this subchapter, a person who failed to comply with this section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure.

(1981 Code, § 3.817) (Ord. 10-1982, passed 8-9-1982)

§ 153.47 VIOLATIONS.

(A) A person commits a class C infraction in violation of I.C. 36-7-9 who:

- (1) Remains in, uses, or enters a building in violation of an order made under this subchapter;
- (2) Knowingly interferes with or delays the carrying out of an order made under this subchapter;
- (3) Knowingly obstructs, damages, or interferes with persons engaged or property used in performing any work or duty under this subchapter; or
- (4) Fails to comply with § 153.46.

(B) Each day that the violation continues constitutes a separate offense.

(1981 Code, § 3.818) (Ord. 10-1982, passed 8-9-1982)

§ 153.99 PENALTY.

The penalty for the violation of any provision of this chapter for which no specific penalty is prescribed shall be as prescribed by and set forth in § 10.99 of this code.

(Ord. 8-2008, passed 12-8-2008)

CHAPTER 154: FLOOD PLAIN MANAGEMENT

Section

- 154.01 Statutory authorization; findings of fact; purpose; objectives
- 154.02 Definitions
- 154.03 General provisions
- 154.04 Administration
- 154.05 Provisions for flood hazard reduction
- 154.06 Variance procedures

§ 154.01 STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE; OBJECTIVES.

(A) *Statutory authorization.* The Indiana Legislature has in I.C. 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council does hereby adopt the following floodplain management regulations.

(B) *Findings of fact.*

(1) The flood hazard areas of the town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

(C) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(6) Make federal flood insurance available for structures and their contents in the town by fulfilling the requirements of the National Flood Insurance Program.

(D) *Objectives.* The objectives of this chapter are:

(1) To protect human life and health.

(2) To minimize expenditure of public money for costly flood control projects.

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) To minimize prolonged business interruptions.

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

(Ord. 2-2015, passed 3-9-2015)

§ 154.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A ZONE. Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

ZONE A. Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

ZONE AE AND A1-A30. Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

ZONE AO. Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

ZONE AH. Areas subject to inundation by 1% annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

ZONE AR. Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

ZONE A99. Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure with a floor area of 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

ADDITION (TO AN EXISTING STRUCTURE). Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

APPEAL. A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). The elevation of the 1% annual chance flood.

BASEMENT. That portion of a structure having its floor sub-grade (below ground level) on all sides.

BOUNDARY RIVER. The part of the Ohio River that forms the boundary between Kentucky and Indiana.

BOUNDARY RIVER FLOODWAY. The floodway of a boundary river. Building - see "Structure."

COMMUNITY. A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

COMMUNITY RATING SYSTEM (CRS). A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. **CRITICAL FACILITIES** includes, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

D ZONE. Unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

DEVELOPMENT.

- (1) Any man-made change to improved or unimproved real estate including but not limited to:
 - (a) Construction, reconstruction, or placement of a structure or any addition to a structure;
 - (b) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
 - (c) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
 - (d) Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
 - (e) Mining, dredging, filling, grading, excavation, or drilling operations;
 - (f) Construction and/or reconstruction of bridges or culverts;
 - (g) Storage of materials; or
 - (h) Any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) **DEVELOPMENT** does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

ELEVATED STRUCTURE. A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

ELEVATION CERTIFICATE. A certified statement that verifies a structure's elevation information.

EMERGENCY PROGRAM. The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. The Federal Emergency Management Agency.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS). The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

FLOOD PRONE AREA. Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

FLOOD PROTECTION GRADE (FPG). The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. **FLOODPLAIN MANAGEMENT REGULATIONS** are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

FLOODPROOFING (DRY FLOOD PROOFING). A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

FLOODPROOFING CERTIFICATE. A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

FREEBOARD. A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

FRINGE. Those portions of the floodplain lying outside the floodway.

HARDSHIP (AS RELATED TO VARIANCES OF THIS CHAPTER). The exceptional hardship that would result from a failure to grant the requested variance. The town governing body, as designated in § 154.06(B) requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

HISTORIC STRUCTURES. Any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

INCREASED COST OF COMPLIANCE (ICC). The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

LETTER OF FINAL DETERMINATION (LFD). A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

LETTER OF MAP CHANGE (LOMC). A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

LETTER OF MAP AMENDMENT (LOMA). An amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

LETTER OF MAP REVISION (LOMR). An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F). An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

LOWEST ADJACENT GRADE. The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

LOWEST FLOOR. The lowest elevation described among the following:

- (1) The top of the lowest level of the structure.
- (2) The top of the basement floor.
- (3) The top of the garage floor, if the garage is the lowest level of the structure.
- (4) The top of the first floor of a structure elevated on pilings or pillars.

(5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

(a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;

(b) The total net area of all openings shall be at least one square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and

(c) Such enclosed space shall be usable solely for the parking of vehicles and building access.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

MITIGATION. Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. As corrected in 1929, it is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION. Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

NON-BOUNDARY RIVER FLOODWAY. The floodway of any river or stream other than a boundary river.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). As adopted in 1993, it is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE-PERCENT ANNUAL CHANCE FLOOD. The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See ***REGULATORY FLOOD.***

PHYSICAL MAP REVISION (PMR) . An official republication of a community's FEMA map to effect changes to base (1% annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

PUBLIC SAFETY AND NUISANCE. Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE. A vehicle which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

REGULAR PROGRAM. The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

REGULATORY FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in § 154.03. The **REGULATORY FLOOD** is also known by the term **BASE FLOOD**, **ONE-PERCENT ANNUAL CHANCE FLOOD**, and **100-YEAR FLOOD**.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

SECTION 1316. That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

SPECIAL FLOOD HAZARD AREA ("SFHA"). Those lands within the jurisdiction of the Town subject to inundation by the regulatory flood. The SFHAs of the Town of Cambridge City are generally identified as such on the Wayne County, Indiana and Incorporated Areas Flood Insurance Rate Map dated April 2, 2015 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, AI - A30, AH, AR, A99, or AO).

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

SUSPENSION. The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

VARIANCE. A grant of relief from the requirements of this chapter, which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

VIOLATION. The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

X ZONE. The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

ZONE. A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

ZONE A. (see definition for ***A ZONE.***)

ZONE B, C, AND X. Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)
(Ord. 2-2015, passed 3-9-2015)

§ 154.03 GENERAL PROVISIONS.

(A) *Lands to which this chapter applies.* This chapter shall apply to all SFHAs and known flood prone areas within the jurisdiction of the town.

(B) *Basis for establishing regulatory flood data.* This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the town shall be as delineated on the 1% annual chance flood profiles in the Flood Insurance Study of Wayne County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated April 2, 2015 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the town, delineated as an "A Zone" on the Wayne County, Indiana and Incorporated Areas Flood Insurance Rate Map dated April 2, 2015 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(4) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

(C) *Establishment of floodplain development permit.* A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard.

(D) *Compliance.* No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.

(E) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) *Discrepancy between mapped floodplain and actual ground elevations.*

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

(G) *Interpretation.* In the interpretation and application of this chapter all provisions shall be:

(1) Considered as minimum requirements.

(2) Liberally construed in favor of the governing body.

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(H) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the town, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

(I) *Penalties for violation.* Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of this chapter for the town. All violations shall be punishable by a fine not exceeding \$2,500.

(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(3) Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Ord. 2-2015, passed 3-9-2015)

§ 154.04 ADMINISTRATION.

(A) *Designation of Administrator.* The Town Council hereby appoints the Superintendent of Public Works to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

(B) *Permit procedures.* Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) *Application stage.*

(a) A description of the proposed development.

(b) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.

(c) A legal description of the property site.

(d) A site development plan showing existing and proposed development locations and existing and proposed land grades.

(e) Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.

(f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.

(g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See division (C)(6) of this section for additional information.)

(2) *Construction stage.* Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said

certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk. Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.

(3) *Finished construction.* Upon completion of construction, an elevation certification which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification is required to be submitted by the applicant to the Floodplain Administrator.

(C) *Duties and responsibilities of the Floodplain Administrator.* The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose. Duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

(1) Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied.

(2) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

(3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to § 154.05, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

(4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

(5) Maintain and track permit records involving additions and improvements to residences located in the floodway.

(6) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

(7) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this chapter.

(8) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

(9) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(10) Review certified plans and specifications for compliance.

(11) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with this section.

(12) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with this section.

(13) *Stop work orders.*

(a) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.

(b) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(14) *Revocation of permits.*

(a) The floodplain administrator may revoke a permit or approval, issued under the provisions of this chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(Ord. 2-2015, passed 3-9-2015)

§ 154.05 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(A) *General standards.* In all SFHAs and known flood prone areas the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter.

(B) *Specific standards.* In all SFHAs, the following provisions are required:

(1) In addition to the requirements of division (A), all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(a) Construction or placement of any structure having a floor area greater than 400 square feet.

(b) Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).

(c) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.

(d) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

(f) Reconstruction or repairs made to a repetitive loss structure.

(g) Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.

(2) *Residential structures.* New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (B)(4).

(3) *Non-residential structures.* New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division (B)(4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

(a) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in § 154.04(C)(12).

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(4) *Elevated structures.* New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

(a) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

(b) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(d) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(e) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(f) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

(5) *Structures constructed on fill.* A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

(a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.

(b) The fill shall extend ten feet beyond the foundation of the structure before sloping below the BFE.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The top of the lowest floor including basements shall be at or above the FPG.

(6) *Standards for manufactured homes and recreational vehicles.* Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

(a) These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:

(i) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(ii) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division (B)(4).

(iii) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(b) These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:

(i) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(ii) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in § division (B)(4).

(iii) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(c) Recreational vehicles placed on a site shall either:

(i) Be on site for less than 180 days;

(ii) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(iii) Meet the requirements for *MANUFACTURED HOMES* as stated earlier in this section.

(7) *Accessory structures*. Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

(a) Shall not be used for human habitation.

(b) Shall be constructed of flood resistant materials.

(c) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

(d) Shall be firmly anchored to prevent flotation.

(e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.

(f) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division (B)(4).

(8) *Above ground gas or liquid storage tanks*. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

(C) *Standards for subdivision proposals*.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.

(5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(D) *Critical facility.* Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

(E) *Standards for identified floodways.* Located within SFHAs, established in § 154.03(B), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

(1) No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this section have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

(2) No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

(3) For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(F) *Standards for identified fringe.* If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this section have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

(G) *Standards for SFHAs without established base flood elevation and/or floodways/fringes.*

(1) *Drainage area upstream of the site is greater than one square mile.*

(a) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

(b) No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

(c) Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

(2) *Drainage area upstream of the site is less than one square mile.*

(a) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 1% annual chance flood elevation for the site.

(b) Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this section have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and shall not increase flood damages or potential flood damages.

(H) *Standards for flood prone areas.*

(Ord. 2-2015, passed 3-9-2015)

§ 154.06 VARIANCE PROCEDURES.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per § 154.05.

(A) *Designation of Variance and Appeals Board.* The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this chapter.

(B) *Duties of Variance and Appeals Board.* The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the board may appeal such decision to the Wayne County Circuit Court.

(C) *Variance procedures.* In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger of life and property due to flooding or erosion damage.
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (3) The importance of the services provided by the proposed facility to the community.
- (4) The necessity of the facility to a waterfront location, where applicable.
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (6) The compatibility of the proposed use with existing and anticipated development,
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(D) *Conditions for variances.*

- (1) Variances shall only be issued when there is:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) No variance for a residential use within a floodway subject to § 154.05(E) or (G)(1) may be granted.

(3) Any variance granted in a floodway subject to § 154.05(E) or (G)(1) will require a permit from the Indiana Department of Natural Resources.

(4) Variances to the Provisions for Flood Hazard Reduction of § 154.05(B), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See division (E)).

(8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See division (E)).

(E) *Variance notification.* Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(2) Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Wayne County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(3) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance.

(F) *Historic structure.* Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

(G) *Special conditions.* Upon the consideration of the factors listed in this section, and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
(Ord. 2-2015, passed 3-9-2015)

CHAPTER 155: UNINCORPORATED JURISDICTIONAL AREA ZONING

Section

General Provisions

- 155.001 Purpose and scope
- 155.002 Title
- 155.003 Interpretation of standards
- 155.004 Definitions

Districts and Boundaries

- 155.010 Establishment of districts
- 155.011 Zoning maps
- 155.012 District boundary interpretation
- 155.013 Procedures for annexed or vacated areas
- 155.014 Unidentified property

Effects of Districting and General Regulations

- 155.020 District, more restricted or less restricted
- 155.021 Conformance requirements
- 155.022 Additional uses
- 155.023 Additional prohibited uses
- 155.024 Yard requirements along zoning boundary line in the restricted district
- 155.025 Street frontage requirements
- 155.026 Required area or space cannot be reduced
- 155.027 Off-street parking and loading
- 155.028 Encroaching doors
- 155.029 Essential services
- 155.030 Unsafe buildings
- 155.031 Pending application for building permits
- 155.032 Extraction of minerals and oil drilling prohibited

Non-Conforming Uses

- 155.040 Prior uses; non-conforming permitted to continue
- 155.041 Minimum living area of a residence

Cambridge City - Land Usage***A-1 Agricultural District***

- 155.050 Principal permitted uses
- 155.051 Special exceptions
- 155.052 Accessory uses
- 155.053 Height regulations
- 155.054 Lot area, width and yard requirements
- 155.055 Minimum setback requirements
- 155.056 Subdivision

Residential Districts - General Regulations

- 155.060 General requirements
- 155.061 Rear dwellings in R-District
- 155.062 Transitional uses in R-District
- 155.063 Accessory uses in R-District
- 155.064 Side yards
- 155.065 Traffic visibility across corner lots
- 155.066 Parking of trucks in R-District
- 155.067 Yard sales, private or rummage
- 155.068 Measurement of basement and cellars

R-1 One-Family Residence District

- 155.070 Principal permitted uses
- 155.071 Special exceptions
- 155.072 Accessory uses
- 155.073 Height regulations
- 155.074 Lot area, frontage and yard requirements
- 155.075 Courts

R-2 Multi-Family Residence District

- 155.080 Principal permitted uses
- 155.081 Special exceptions
- 155.082 Accessory uses
- 155.083 Height regulations
- 155.084 Area, frontage and yard requirements
- 155.085 Courts

Business Districts

155.090 General requirements

C-1 Neighborhood Business District

155.100 Principal permitted uses
155.101 Special exceptions
155.102 Accessory uses
155.103 Required conditions
155.104 Height regulations
155.105 Lot area, frontage and yard regulations
155.106 Courts

C-2 Community Business District

155.110 Principal permitted uses
155.111 Special exceptions
155.112 Accessory uses
155.113 Required conditions
155.114 Height regulations
155.115 Lot area, frontage and yard requirements
155.116 Garages and parking areas, distance requirements
155.117 Courts

C-3 General Business District

155.120 Principal permitted uses
155.121 Special exceptions
155.122 Accessory uses
155.123 Required conditions
155.124 Prohibited uses
155.125 Height regulations
155.126 Lot area, frontage and yard requirements

M-1 Light Industrial District

155.130 Principal permitted uses
155.131 Special exceptions
155.132 Accessory uses
155.133 Required conditions
155.134 Prohibited uses
155.135 Height regulations
155.136 Lot area, frontage and yard requirements

M-2 General Industrial District

- 155.140 Principal permitted uses
- 155.141 Special exceptions
- 155.142 Accessory uses
- 155.143 Required conditions
- 155.144 Prohibited uses
- 155.145 Height regulations
- 155.146 Lot area, frontage and yard requirements

Performance Standards

- 155.150 General requirements
- 155.151 Existing uses
- 155.152 Certain new uses

Off-Street Loading and Parking Regulations

- 155.160 Off-street loading space
- 155.161 Accessory off-street parking space
- 155.162 Number of parking spaces required
- 155.163 Standards for accessory off-street parking
- 155.164 Development and maintenance of off-street parking areas
- 155.165 Modifications

Mobile Homes and Mobile Home Parks, Motels and Motor Hotels

- 155.170 General requirements
- 155.171 Enlargement
- 155.172 Mobile home restrictions
- 155.173 Mobile home parks; submission of plans
- 155.174 Mobile home parks; requirements
- 155.175 Procedure for additional requirements

Sign Regulations

- 155.180 Signs
- 155.181 Advertising signs
- 155.182 Business signs
- 155.183 Real estate signs
- 155.184 Professional or announcement signs and institutional bulletin boards

Extraction of Minerals

- 155.190 Procedures, application and public hearing
- 155.191 General requirements
- 155.192 Rehabilitation; bond
- 155.193 Additional requirements

Special Exceptions

- 155.200 Determination of Board of Zoning Appeals
- 155.201 Filing procedure
- 155.202 Conformance requirements
- 155.203 Construction requirements
- 155.204 Special exceptions

Immaterial Modification of Prior Existing Non-Conformity

- 155.210 General requirements

Farm Alcohol (Ethanol) Production

- 155.220 Application, contents, procedure
- 155.221 General requirements
- 155.222 Hearing

Lots of Record

- 155.230 Dwelling on any lot of record

Height Modifications

- 155.235 Height limitations not applicable
- 155.236 Minimum requirements

Yard Modifications

- 155.240 Front yard modification
- 155.241 Side yard modification
- 155.242 Rear and side yards

Cambridge City - Land Usage***Yard Projections***

- 155.245 Projection of architectural features
- 155.246 Fences, walks and hedges
- 155.247 Yard requirements along zoning boundary lines in the less restricted district

Zoning Administration

- 155.250 Enforcement by Zoning Inspector
- 155.251 Application requirements
- 155.252 Improvement location permit
- 155.253 Certificate of occupancy
- 155.254 Fees
- 155.255 Violations; injunctive relief
- 155.256 Validity
- 155.257 Adoption

- 155.999 Penalty

GENERAL PROVISIONS**§ 155.001 PURPOSE AND SCOPE.**

This chapter is enacted for the purpose of promoting public health, safety, comfort, morals, convenience, and general public welfare by classifying, regulating and restricting that location, bulk and height of buildings and structures and of premises to be used for trade, industry, residence or other specified uses, all in accordance with a comprehensive plan for the desirable future development of the unincorporated jurisdictional area of the Town of Cambridge City and to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described.

(Ord. 1-2006, passed 2-13-2006)

§ 155.002 TITLE.

This chapter shall be known and may be cited and referred to as the "Unincorporated Jurisdictional Area of Cambridge City, Indiana, Zoning Ordinance".

(Ord. 1-2006, passed 2-13-2006)

§ 155.003 INTERPRETATION OF STANDARDS.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Wherever this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this chapter shall govern.

(Ord. 1-2006, passed 2-13-2006)

§ 155.004 DEFINITIONS.

The following words and terms, unless a contrary meaning is required by the context or specifically otherwise prescribed, shall have the following meanings. Words used in the present tense include the future and vice versa; words in the singular number include the plural number and vice versa. The word **SHALL** is mandatory and not discretionary.

ABANDONMENT. An intent to abandon or to relinquish by some overt act, or some failure to act which carries the implication that the owner neither claims or retains any interest in the subject matter of the abandonment.

ACCESSORY BUILDING, STRUCTURE OR USE. A building, structure, or use subordinate to the principal use of a building, structure or principal use of land, located on the same lot as such principal use and serving a purpose customarily incidental to the use of the principal building, structure or land use.

ACREAGE. Any tract or parcel of land which has not been subdivided and platted.

AGRICULTURE. The use of five or more acres of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal or poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce raised on the premises. **AGRICULTURE** shall not include stockyards, slaughterhouses and confined feeding operations as regulated by the State of Indiana.

AGRICULTURE, PRIME (PRIME FARMLAND). Prime farmland has the soil quality, growing season, and moisture supply needed to produce substantial high yields of crops economically when treated and managed, including water management, according to modern farming methods. (U.S.D.A.)

AIR POLLUTION. Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

AIRPORT or AIRSTRIP. Any runway, landing area or other facility designed, used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangers and other necessary buildings and open spaces.

ALLEY. A public or private way not more than 20 feet wide, at the rear or side of property, affording only a secondary means of access to abutting property.

ALTERATIONS. As applied to a building or structure, a change or rearrangement in the structural parts or in exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMENDMENT. A change of the zoning regulations, district boundaries, or classification of property as shown on the zoning map. The authority for any amendment lies solely with the Cambridge City Town Council.

ANIMAL HUSBANDRY. The keeping, grazing, feeding and care of animals other than household pets.

APARTMENT. A suite of rooms or a room in a multi-family building arranged, designed, and intended for a place of residence of a single family.

APARTMENT, GARDEN. A group of buildings not more than two and one-half stories in height, each building containing not less than two or more than 12 dwelling units.

APARTMENT, HOTEL. An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.

APARTMENT, HOUSE. A building or portion thereof designed for or used exclusively for residence purposes by three or more families living independent of each other.

AREA (LOT, NET SITES). The total area within the property line.

AREA, COMMON. Space reserved for use by any and all residents of a housing development such as halls, stairways and landings in apartment houses.

ATTIC. That space of a building which is immediately below and wholly or partially within the roof framing.

AUTOMOBILE BODY SHOP (MOTOR VEHICLE). A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other motor vehicles.

AUTOMOBILE GARAGE, MAJOR (MOTOR VEHICLE). A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental servicing of automobiles, trucks or similar motor vehicles.

AUTOMOBILE, GARAGE, MINOR (MOTOR VEHICLE). An accessory building for the storage of one or more automobiles and/or other vehicles, accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein.

AUTOMOBILE REPAIR, MAJOR (MOTOR VEHICLE). General repair, rebuilding or reconstruction of engines, motor vehicles, or trailers; collision services including body, fender, or frame straightening or repair; overall painting or paint shop, vehicle steam cleaning.

AUTOMOBILE REPAIR, MINOR (MOTOR VEHICLE). Incidental repairs, replacement of parts, and motor service to motor vehicles, but not including any operation specified under ***AUTOMOBILE, REPAIR, MAJOR*** or any other similar thereto.

AUTOMOTIVE SALES - MOBILE HOME, TRAILER, RECREATION VEHICLES AND FARM IMPLEMENT. An open lot, used for the outdoor display, sale, or rental of new or used motor vehicles, mobile homes, trailers, recreation vehicles, or farm implements.

AUTOMOTIVE SALES GARAGE - MOBILE HOME, TRAILER, RECREATION VEHICLES AND FARM IMPLEMENT. A building on a lot designed and used primarily for the display, sale or rental of new or used motor vehicles, mobile homes, trailers, recreation vehicles, or farm implements, where mechanical repair and body work may be conducted as an accessory use incidental to the primary use.

AUTOMOBILE SERVICE STATION (MOTOR VEHICLE OR FILLING). A building or place where gasoline or other motor fuel, lubricants, tires, batteries, accessories, and supplies for operating and equipping motor vehicles are sold at retail to the public and deliveries are made directly into motor vehicles, including incidental battery, brake, muffler, and tire service, washing and polishing.

AUTOMOBILE WASH. A structure or building designed for cleaning, washing, waxing, simonizing, or similar treatment of automotive vehicles as its principal function.

AUTOMOBILE WRECKING OR SALVAGE YARD (MOTOR VEHICLE). Any land, building, or structure where motor vehicles are disassembled, junked, or wrecked, or where two or more motor vehicles not licensed or in operable condition or used parts of motor vehicles are stored.

BASEMENT. A story whose floor is more than 12 inches but not more than half of its story height below the average level of the adjoining grounds (as distinguished from a ***CELLAR*** which is more than one-half below such level).

BED AND BREAKFAST. See ***HOUSE, TOURIST.***

BLOCK. Property having frontage on one side of a street and lying between two nearest or intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way or waterway.

BOARD. The Board of Zoning Appeals of Cambridge City, Indiana.

BOAT LIVERY. A lakeside or stream side operation and premises where boats for lease, storage, and service may be conducted; this service shall include supplies and accessories as are customarily used in such business.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, chattels, or property. When such a structure is divided into separate parts by one or more un-pierced walls extending from the ground up, each part is deemed a separate building.

BUILDING, DETACHED. A building having no structural connection with another building.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of the wall of a principal building is shared by an accessory building or where an accessory building is attached to the principle building in other substantial manner as by roof, such accessory building shall be counted as a part of the principal building.

BUILDING AREA. The maximum horizontal projected area of a building or structure at or above grade, excluding cornices, eaves, gutters, unenclosed porches, terraces, balconies or steps.

BUILDING COVERAGE. The percentage of the plot or lot area covered by the building area.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

BUILDING LINE. That line established by the minimum setback from the street right-of-way for buildings or structures for the distance involved. The building line shall be the point at which the lot width shall be measured.

BUSINESS (COMMERCIAL). The engaging in the purchase, sale, barter, exchange of goods, wares, merchandise, or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

BUSINESS, LARGE SCALE DEVELOPMENT. A large scale commercial development is a tract of land not less than five acres for non-residential development, which is planned for development as units under single ownership and control and which includes two or more non-residential principal buildings.

BUSINESS, NEIGHBORHOOD OR LOCAL. Commercial establishments which cater to and can be located in close proximity to residential districts without creating excessive congestion, noise, or other objectionable influence.

BUSINESS, OFFICE. Office or agencies which conduct service establishment, without a stock of goods such as real estate, insurance, etc.

BUSINESS, SERVICE. Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in business and homes.

CAMPING GROUNDS. A parcel of land used or intended to be used for temporary occupancy by campers, or for temporary occupancy by or of recreational vehicles, tents, cabins, or other temporary accommodations.

CELLAR. A story having more than one-half of its height below the average level of the finished grade of the adjoining ground.

CEMETERY. Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in connection with and within the boundaries of such cemetery.

CENTERLINE. The centerline of the road or street as applied in this chapter, shall be the centerline of the traveled roadway.

CERTIFICATE OF OCCUPANCY. A document issued by the Zoning Inspector certifying that a building, structure, and/or its use or the use of the premises conform with the provisions of this chapter or, in case of a ***NON-CONFORMING USE*** that it constitutes such use under terms of this chapter.

CHANNEL (STREAM BED). A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduce continuously or periodically flowing water.

CLINIC. A place used for the care, diagnosis, and treatment of sick, ailing, infirm, and injured persons, but who are not provided with board or rooms nor kept overnight on the premises.

CLUB. A non-profit association of persons who are bona fide members organized for some common purposes and paying regular dues; not including a group organized solely or primarily to render a services customarily carried on as a commercial enterprise.

CLUB, COUNTRY. A club for golfing, tennis, hunting, fishing, horseback riding or similar sports.

CLUB, PRIVATE. A non-profit social organization whose premises are restricted to its members and their guests.

CLUSTER DEVELOPMENT. A planned development in which lots are restricted to its members and their guests.

COMMERCIAL ENTERTAINMENT FACILITY. Any profit-making activity which is generally related to the entertainment field, such as a motion picture theater, carnival, cocktail lounge, nightclub and similar entertainment activities.

COMMISSION. The Plan Commission of Cambridge City, Indiana.

COMMISSIONERS, COUNTY. The Board of Commissioners of the County of Wayne, State of Indiana.

CONDOMINIUM. A multi-family project of one-family dwelling units which may consist of one, a part, or more than one building wherein the real property title and ownership are vested in an owner, who has undivided interest with others in common usage area and facilities which serve the development. (I.C. 32-1-6-1)

CONFINED FEEDING. The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where food is supplied to the animals only by means other than grazing.

CONFINED FEEDING OPERATION. Any confined feeding of 300 or more cattle, 600 or more swine or sheep, and 30,000 or more fowl; or any animal feeding operation electing to come under the Indiana Department of Environmental Management.

CONSTRUCTION, BEGINNING OF. Shall mean a substantial change or alteration in the physical properties of a zoning lot or structure and where the incorporation of labor and material upon said lot or within said structure will incur liabilities for labor and materials.

COVERAGE. That percentage of the plot or lot area covered by the building, or structure, including accessory buildings and structures.

DAIRY. A commercial establishment for the manufacturing or processing of dairy products.

DENSITY. Number of living units permitted per gross acre of land, exclusive of lands lying within the boundary of any public highway.

DEVELOPMENT. The construction of a new building or other structure on a zoning lot, or the use of a tract of land for a new one.

DISTRICT or ZONE. That portion of the unincorporated territory of Wayne County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DORMITORY. A building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used by residents of the institution for living and sleeping, but not for cooking or eating purposes.

DRIVE-IN ESTABLISHMENT. An establishment which is designed to provide either wholly or partly, service to customers while in their automobile parked upon the premises.

DRIVE-IN MOVIE. An open lot or part thereof, with appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patron seated in automobiles or outdoor seats.

DRIVE-IN RESTAURANT. Any place or premises used for sale, dispensing, or serving food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food refreshments, or beverages on the premises.

DUMP. A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

DWELLING. Any building or portion thereof, designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, boarding or lodging house, motel, hotel, and tourist home.

DWELLING, DETACHED. A dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

DWELLING, MULTI-FAMILY. A building or portion thereof designed for or used exclusively for residential purposes by three or more families living independently of each other.

DWELLING, ONE-FAMILY OR SINGLE-FAMILY. A building designed for or used exclusively for residence purposes by one family only.

DWELLING, SPECIAL PLACEMENT. Any building or premises occupied by three or more persons not related to the owner, lessee, or operator by blood, marriage or adoptions, who upon their

release as patients from any recognized mental institution, treatment ward for alcoholism, treatment center for narcotic addicts or as an inmate of any correctional penal institution, use such building or premises as living facilities in order to secure non-institutionalized care in their attempt to re-enter society.

DWELLING, TWO-FAMILY. A building designed for or used exclusively for residence purposes by two families living independent of each other.

DWELLING CODE, ONE- AND TWO-FAMILY. The nationally recognized model Building Code prepared by the Council of American Building Officials, as adopted by the Indiana Administrative Building Council (A.B.C.) and, which includes those supplements and amendments promulgated by the A.B.C.

EASEMENT. A strip of land to be used by the general public, a corporation, a utility company, or a certain person(s) for a specific reason, for purposes of providing services to property.

EDUCATIONAL INSTITUTION. Public or parochial pre-primary, primary, grade, junior high, high, preparatory school or academy; junior college, college, or university, if public, or founded or conducted by or under the sponsorship of a religious or charitable organization.

EXTRACTION OPERATION. The removal of soil, gravel, sand or dirt for purposes unrelated to excavation for construction where the excavation for construction where the extractive operation is conducted; this shall include the extraction of mining of minerals or the extraction of oil or other hydrocarbons.

FAMILY. A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding or lodging house, motel or hotel, fraternity, or sorority house.

FAMILY, GROUP HOME. A residential facility, licensed by the Indiana State Board of Health, that provides residential services for not more than eight developmentally disabled persons, none of whom has a history of violent or antisocial behavior, and such staff, not to exceed two at any one time, as are necessary to adequately manage the home.

FARM. A tract of five or more acres land which is devoted to agriculture use and including necessary farm buildings or structures essential to the operation of the farm.

FARM, ALCOHOL PRODUCTION SYSTEM. The equipment and facilities necessary to produce alcohol for fuel or as an additive to other fuels, production not to exceed 100,000 gallons annually.

FARM BUILDING. Any building used for the housing of agriculture equipment, produce, livestock or poultry, or for the incidental or customary processing of farm products, and provided that such building is necessary to the operation of the farm. **FARM BUILDING** shall not include **FARM DWELLING**.

FARM DWELLING. A building or dwelling unit designed for or occupied exclusively by a farm family with the usual accessory buildings.

FLEA MARKET. Any area where individual stands or spaces are assigned to two or more individuals for the purpose of selling, buying or exchanging goods.

FLOOD. The water of any river or stream which is above the bank and/or outside the channel and banks of such river or stream; and also the water of any lake which is above and outside the banks thereof.

FLOOD, HUNDRED YEAR. A flood having an average frequency of occurring in the order of one in 100 years, or a 1% chance of occurring in any given year.

FLOOD CONTROL. The prevention of floods, the control, regulation, diversion or confinement of flood water or flood flow, and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods, and the death, damage, and the destruction caused thereby, and all things incidental thereto or connected therewith.

FLOOD HAZARD AREA. The part of the flood plain not adequately protected from flooding by means of structural improvements.

FLOOD PLAIN. The area adjoining a stream that has been or may be covered by floodwater including the floodway and floodway fringe.

FLOODWAY. The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to efficiently carry and discharge the flood water or flood flow of any river or stream.

FLOODWAY FRINGE. That part of the flood hazard area lying outside the floodway.

FLOODWAY and FLOODWAY FRINGE. Special definition pertaining to floodway and floodway fringe determination only:

(1) *Building.* See division (16) below.

(2) *Development.* Any man-made change to improved or unimproved real estate including but not limited to:

- (a) Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000.00;
- (b) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
- (c) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (d) Construction of flood control structures such as levees, dikes, channel improvements, etc.;
- (e) Mining, dredging, filling, grading, excavation, or drilling operation;
- (f) Construction and/or reconstruction of bridges or culverts;
- (g) Storage of materials; or
- (h) Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

(3) *Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(4) *Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(5) *FHBM.* Flood Hazard Boundary Map.

(6) *FIRM.* Flood Insurance Rate Map.

(7) *Flood*. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the run-off of surface waters from any source.

(8) *Flood plain*. The channel proper and the area adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood, the flood plain includes both the floodway and the floodway fringe districts.

(9) *Flood protection grade or the FPG*. The elevation of the regulatory flood plus two feet and any given location in the SFHA.

(10) *Lowest floor*. The lowest of the following:

(a) The basement floor;

(b) The garage floor, if the garage is the lowest level of the building;

(c) The first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or

(d) The floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:

1. The walls are designated to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one foot above the enclosed area's floor.

2. Such enclosed space shall be usable for non-residential purposes and building access.

(11) *Manufactured homes*. See **MANUFACTURED HOME** and **MANUFACTURED HOME or MOBILE HOME PARK**.

(12) *Recreational vehicles*. See **RECREATIONAL VEHICLE**.

(13) *Mobile home tie down*. See § 155.170(F).

(14) *Regulatory flood*. The flood having a 1% probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. Regulatory flood is also known by the term **BASE FLOOD**.

(15) *SFHA or special flood hazard area.* Those lands within the jurisdiction of the Town of Cambridge City that are subject to inundation by the regulatory flood. The SFHAs of the county are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency and dated September 2, 1982. The SFHAs of those parts of unincorporated Wayne County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for Wayne County by the Federal Emergency Management Agency and dated September 2, 1982.

(16) *Structure.* A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site more than 180 days.

(17) *Substantial improvement.* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 40% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of an historic structure, provided that the alteration will not preclude the structures continued designation as an historic structure.

FLOOR AREA. The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business. Said areas shall be measured to the outside surface of exterior walls. Said areas shall not include cellars or attics not used or intended to be used for human occupancy or other use, garage space, or accessory buildings.

FLOOR AREA RATIO. The quotient of the floor area of a building divided by the lot area.

FOUNDATION. A foundation shall consist of a substructure which has a continuous wall of cement blocks, poured concrete or masonry equivalent, enclosing and supporting the bottom of the structure, excluding windows and doors.

FRONTAGE. All the property abutting on one side of a public right-of-way.

FUNERAL HOME. A structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

GARAGE, PARKING. A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service is provided.

GARAGE, PRIVATE. A garage used for storage purposes only and having a capacity of not more than three motor vehicles or not more than two motor vehicles per family housed in the building to which such garage is accessory, whichever is greater.

GARAGE, PUBLIC. Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

GARAGE SALES. Any sale of goods or merchandise by one or more people which is conducted within or adjacent to a garage, patio or porch.

GOVERNING BODY. The body of local government having the power to adopt and/or amend ordinances.

GRADE. The percent of slope that a proposed or existing surface makes with the horizontal. Also, the elevation of an existing or proposed surface.

GRADE, FINISHED. The completed surface of lawns, walks and roads brought to grades as shown on official plans on designs related thereof.

GRAVEL PIT. A lot or land or part thereof used for the purpose of extracting stone, sand or gravel for sale as commercial operations.

HEALTH FACILITY. Any building, structure, institution, or other place for the reception, accommodation, hoard, care or treatment of more than two unrelated individuals requiring, in apparent need of, or desiring such services or combination of them, by reason of age, senility, physical or mental illness, infirmity, injury, incompetence, deformity, or any physical, mental or emotional disability or other impairment, illness or infirmity, including institutions commonly known as nursing homes, homes for the aged, retirement homes, boarding homes for the aged, sanitariums, convalescent homes, home for the chronically ill, homes for the indigent. ***HEALTH FACILITY*** does not include hotels, motels or mobile homes when used as such; hospitals, mental hospitals, institutions operated by the federal government; boarding homes for children; schools for the deaf or blind; day schools for the retarded; day nurseries; children's homes or child placement agencies or those defined in I.C. 16-10-2-3.

HEALTH OFFICER. The Wayne County, Indiana Health Officer or his authorized representative.

HEIGHT. The vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average grade where the walls or other structural elements intersect the ground.

HEIGHT OF BUILDING. The vertical distance measured from the average ground level of the grade line about the building to the mean height between eaves and ridge for pitched roofs, and to the highest part of the roof for flat roofs.

HISTORIC AND CULTURAL LANDMARK. A building, structure, object, district, land use, area, or site of historical significance and designated as a historical landmark on the Register of Historic and Cultural Landmarks.

HOME OCCUPATION. An accessory use of a service character customarily conducted within a dwelling by only the residents thereof, which is clearly secondary to the use of the dwelling for living purposes, does not change the character thereof, and of which there is no exterior evidence other than a name plate, with less than one square foot area and which does not involve the keeping of a stock-in-trade in connection therewith. The practice of a single physician, surgeon, dentist, or other professional person, including an instructor in violin, piano, or other individual musical instrument limited to single student at a time, dressmaker, milliner, seamstress, each with not more than one paid assistant and who offers skilled services to client and is not professionally engaged in the purchase or sale of goods, shall be deemed home occupations; beauty shops, barber shops in residential and agricultural districts shall be deemed home occupations provided; that the exterior of the residence is not changed; no sign larger than one square foot in area is displayed; not more than 25% of the first floor area or one room, whichever is less, shall be used for said beauty shop; and not more than one paid assistant shall be employed. The sale of related items shall be permitted in beauty and barber shops. Dancing instructions, band instrument instruction in groups, tea room, tourist homes, or bed and breakfast, real estate offices, convalescent homes, mortuary establishments and stores, trades or businesses of any kind not herein excepted shall not be deemed to be home occupations.

HOSPITAL. An institution licensed by the Indiana State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, emergency care facilities, training facilities, central service facilities and staff offices which are an integral part of the facility provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease, and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

HOSPITAL, ANIMAL or VETERINARY CLINIC. An area designated for the specific use of hospitalization and treatment of both large and small animals, including the housing of diagnostic equipment including radiographic instruments, and facilities for attending to the medical and surgical needs for animals in general.

HOTEL. Any building or portion thereof used as a temporary abiding place for remuneration, with or without meals, containing 12 or more guest rooms or suites with no provisions for cooking in any individual room or suite.

HOUSE, BOARDING or LODGING. A dwelling or part thereof where meals and/or lodging are provided, for compensation, for five or more persons, not transients.

HOUSE, FRATERNITY or SORORITY. A building occupied and maintained exclusively for students affiliated with an academic or professional college or university, or other recognized institution of higher learning.

HOUSE, ROOMING. A dwelling or other residential structure in which lodging facilities are supplied for pay over an extended period of time and distinguished from tourist house.

HOUSE, TOURIST or BED AND BREAKFAST. A building or part thereof, other than a hotel, boarding house, lodging house, resort or motel, where lodging is provided by a resident family for compensation mainly for transients.

IMPROVEMENT LOCATION PERMIT. A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

INSTITUTION. A corporate body or establishment instituted or organized for an educational, medical, charitable or similar purpose.

INDUSTRIAL, LARGE SCALE DEVELOPMENT. A large scale industrial development is a tract of land not less than ten acres for non-residential development, which is planned for development as units under single ownership and control and which includes two or more non-residential principal buildings.

INDUSTRIAL PARK. A special or exclusive type of planned, industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

INDUSTRY or INDUSTRIAL. The manufacturing, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes. The specific classification of light and general industrial uses are designated by M-1 and M-2 Industrial Zone Districts.

JUNK. Includes scrap metals and their alloys, bones, used materials and products (such as rags and cloth, rubber, rope, bottles, old tools and machinery, automobiles, fixtures, appliances, lumber, boxes or crate, pipe and pipe fittings), and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled for sale of parts.

JUNK or SALVAGE YARD. Any area where waste, discarded or salvaged material are brought, sold, exchanged, baled, packed, stored, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and

structural steel materials and equipment, but not including establishments where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used cars in operable condition, or storage of materials incidental to manufacturing and agricultural operation.

JURISDICTIONAL AREA. The unincorporated territory of Wayne County, Indiana that the Cambridge City Plan Commission has jurisdiction of for planning and zoning.

KENNEL. Any premises or portion thereof on which more than five dogs, cats, or other domestic animals over four months of age are kept, or on which more than three such animals are maintained, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

LABORATORY. A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly, or packing of products is not included within this definition.

LANDFILL, SANITARY. A method of disposing of refuse on land without creating nuisance or hazard to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with compacted layer of suitable material at the conclusion of each day and at more frequent intervals as necessary.

LIVESTOCK SALES YARD. A tract of land, which is used for the sale of domestic animals such as cattle, sheep, horses and hogs.

LIVING AREA. The area comprised of the enclosed occupied living accommodations within a residence exclusive of basements, garage and open porches.

LOADING SPACE. An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOT. A parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this chapter, having at least the minimum area required by this chapter for a lot in the zone in which lot is situated and having its principal frontage on a public street or road.

LOT, CORNER. A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

LOT, COVERAGE. The percentage of the lot area that is occupied by the ground area of a building and its accessory buildings.

LOT, DEPTH. The mean horizontal distance between the front and rear lot lines measured in the general direction of the side lot lines.

LOT, FRONTAGE. The linear distance of a lot measured at the front lot line where said lot abuts a street, measured between side lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets.

LOT AREA. The computed area contained within the lot's lines.

LOT LINE. The line separating the lot from a street, alley or other lots.

LOT LINE, FRONT. The line separating the lot from the street on the established or proposed right-of-way lines, whichever is the greater, but in no case shall the line be less than 25 feet from the centerline of the existing or proposed street.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE. Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT LINE, STREET OR ALLEY. A lot line separating the lot from a street or alley.

LOT WIDTH. The mean horizontal distance between the side lot lines measured at right angles to its depth at the building line.

LOTS OF RECORD. A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Wayne County, Indiana, or a lot described in a deed by metes and bounds which has been recorded in said office prior to the effective date of this chapter.

MAJOR HIGHWAY PLAN. The part of the Master Plan, now or hereafter adopted by Wayne County, Indiana, which sets forth the location, alignment, dimensions, identifications and classification of existing and proposed public streets, highways, and other thoroughfares.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation and connected to the required utilities, including, but not limited to plumbing, sanitation and electric. The structure

shall bear the label of a HUD Manufactured Home that indicates the home has been inspected in accordance with the requirements of Housing and Urban Development and is constructed in conformance with the Federal Manufactured Home Construction and Safety Standards in effect on the date of manufacture.

MANUFACTURED HOME OR MOBILE HOME ADDITION. The reconstruction, extension or alteration of an existing manufactured or mobile home meeting the following: the addition shall be factory designed for the existing manufactured home or mobile home meeting the standards of the Manufactured Housing Association, or meet the requirements of the Building Code of Wayne County for a single-family dwelling.

MANUFACTURED HOME OR MOBILE HOME LOT. A designated site within a manufactured home or mobile home park for the exclusive use of the occupants of the home.

MANUFACTURED HOME OR MOBILE HOME PARK. An area of land upon which two or more homes are harbored for the purpose of being occupied as principal residences and includes all real and personal property used in the operation of the home park.

MANUFACTURED HOME OR MOBILE HOME SUPPORT SYSTEM. A combination of footers, piers, caps, and shims that will, when properly installed, support a house.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODES. Title VI of the 1974 Housing and Community Development Act (Public Law 93-383, USC 5401 et seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include information supplied by the home manufacturer, (which has been stamped and approved by a Design Approval Primary Inspection Agency, who is an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Administrative Building Council.

MASTER PLAN, COMPREHENSIVE. The complete plan, or any of its parts, for the development of Cambridge City prepared by the Commission and adopted in accordance with I.C. 36-7-4-501 et seq. and all acts amendatory thereto; and are now or may hereafter be in effect.

MOBILE HOME. A vehicle which is so constructed as to permit it being used as a conveyance upon public streets or highways by either self-propelled or not self-propelled means, and is designed, constructed, reconstructed, or added to by means of an enclosed addition or room, to permit the occupancy as a dwelling. The vehicle may be placed upon a permanent foundation, when required by this chapter, or occupied as a dwelling having no foundation, other than wheels, jacks, skirting or other temporary supports when permissible by ordinance. The vehicle shall bear the label of Indiana Mobile Off-site Fabricated Structure, certified under 675 IAC 22-15-4-2, and subsequent amendments.

MODEL. A structure placed or erected for the purpose of showing room arrangements and/or other factors valuable in promoting lot sales.

MODULAR HOME. A structure to be used as a dwelling that is constructed or prefabricated, in part or in whole, at a place other than the permanent foundation site. The structure is to be constructed to the Residential Code for One- and Two-Family Dwellings in effect on the date of construction and shall be placed upon a permanent foundation and shall be connected to the required utilities, including, but not limited to plumbing, sanitation and electric. The structure shall bear the label of Indiana Modular Off-site Fabricated Structure, certified under 675 IAC 22-15-4-1, and subsequent amendments.

MOTEL or MOTOR HOTEL. A series of attached, semi-attached, or detached sleeping or living units, for the accommodation of transient guests and not customarily including cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of guests or occupants.

NATURAL AREAS. A non-renewable resource of specific biotic communities which are indigenous to Wayne County.

NON-CONFORMING BUILDINGS OR STRUCTURE. A building or structure, legally existing at the time of adoption of this chapter or any amendments thereto, which is designed or located upon a lot and intended for a use which does not conform to the regulations of the district in which it is located.

NON-CONFORMING BULK. A lot of record existing at the time of adoption of this chapter which does not have the minimum width or contain the minimum area for the zone in which it is located.

NON-CONFORMING USE. The use of a building, structure or land legally existing at the time of adoption of this chapter or any amendments thereto, or any previously existing ordinance and amendment thereto, and which does not conform with the use regulations of the district in which it is located.

NURSERY, PLANT MATERIALS. Land, buildings, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.

NURSING HOME.

(1) A facility licensed by the Indiana State Board of Health which:

(a) Provides nursing services on a continuing basis;

(b) Admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services;

- (c) Provides for licensed physicians service or supervision;
- (d) Maintains medical records;
- (e) Such facilities may also provide other similar medical or health services.

(2) Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, rest homes, homes for the aged, and the like but not including a hospital or mental -health center.

OBSTRUCTION. Any dam, wall, embankment, levee, dike, pile, protection, excavation, channel, rectification, bridge, conduit, culvert, building, wire fence, rock, gravels, refuse, fill structure or matter in, along, across or projecting into any channel, watercourse, or encroachment area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of the water might carry the same downstream.

ORDINANCE. The Unincorporated Jurisdictional Area of Cambridge City, Indiana Zoning Ordinance, and all amendments thereto.

PARK, PLAYGROUND OR GAME COURT. An open air recreational facility which is not accessory to any other use on the same or any other lot, but excluding amusement parks and playgrounds.

PARK, PLAYGROUND OR GAME COURT, COMMERCIAL. Recreation facilities operated as a business and open to the general public for a fee.

PARK, PLAYGROUND OR GAME COURT, PRIVATE. Recreation facilities operated for restricted use in conjunction with a particular housing development or private residence, open only to the residents and guests of said development or private residence.

PARK, PLAYGROUND OR GAME COURT, RESTRICTED. Recreational facilities operated as a non-profit enterprise by a government or non-profit organization, and open to the general public.

PARKING AREA, PRIVATE. An open, surfaced area, other than a street or public way, designed, arranged, and made available for the temporary parking of motor vehicles, of occupants of the building or buildings for which the parking area is developed and is accessory.

PARKING AREA, PUBLIC. An open, surfaced area, other than a street or public way, designed, arranged, and made available for the temporary parking of motor vehicles, and available to the public, whether for compensation, free, or as an accommodation for clients or customers.

PARKING SPACE. An area, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a single motor vehicle.

PARKING SPACE, OFF-STREET. An off-street area suitable for vehicular parking and having access to a street or public way.

PERFORMANCE STANDARD. A criterion established in the interest of public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in, or incidental to, certain uses and activities.

PERSON. A corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

PERSONAL SERVICES. Any enterprise conducted for gain which primarily offers services to the general public as shoe repair, watch repair, barber shops, beauty shops and similar activities.

PLANNED DEVELOPMENT (DEVELOPMENT UNIT PROJECT). A residential, commercial, industrial, or community development on a parcel of land in single ownership and consisting of two or more building having any yard, court, parking, or loading space in common.

POOL, SWIMMING (PRIVATE). A swimming pool, used only by the owner of the pool and friends, as an accessory use at a private residence.

POOL, SWIMMING (PUBLIC). Any swimming pool other than a private swimming pool, public or semi-public in character:

(1) **CLUB SWIMMING POOL.** A swimming pool used by any group or institution on a non-commercial basis for members and friends only.

(2) **COMMERCIAL SWIMMING POOL.** A public swimming pool which is operated on a commercial basis or primarily for gain.

PORCH. A roofed-over structure projecting from the front, side, or rear wall of a building.

PORCH, ENCLOSED. A porch which contains jalousies, permanent glass or louvered windows, screens, panels, or any other material on one side or all of its sides projecting from the building.

PORCH, UNENCLOSED (OPEN). A porch that is not enclosed in any way by screens, glass, panels, or any other material, with the exception of a balustrade or railing not to exceed three feet in height above the floor of such porch.

PREMISES. One or more lots which are in the same ownership and are contiguous, or separated by a right-of-way or water body, including all buildings, structures and improvements.

PRINCIPAL BUILDING. A building in which is conducted the main or principal use of the lot on which said building is located.

PROFESSIONAL ACTIVITIES. The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, attorneys, engineers, and similar professions.

PROPERTY LINES. The division line between properties of different owners.

PUBLIC. Owned, operated, or controlled by a governmental agency (i.e. federal, state or local).

PUBLIC UTILITY. Any person, firm, corporation, governmental department or board, duly authorized to furnish and furnishing under state or municipal regulations to the public, electricity, gas, steam, transportation, water or telephone service.

RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, station, train shed, warehouses, car shops, car yards, locomotive shops, or water towers.

RECREATION, COMMERCIAL. Recreation facilities operated as a business and open to the general public for a fee.

RECREATION, NON-COMMERCIAL, PRIVATE. Clubs or recreation facilities operated by a non-profit organization and open to bona fide members and guests of such non-profit organization.

RECREATION EQUIPMENT, MAJOR. Includes but not limited to travel trailers, campers, pickup coaches, vans, motorized homes, boats and boat trailers.

RECREATION VEHICLE. A temporary dwelling for travel, recreation and vacation use, including, but not limited to:

(1) **CAMPING TRAILERS.** A folding structure built on a chassis with wheels and designed to move on the highway.

(2) **FIFTH-WHEEL COACH.** Structure designed to be mounted in a truck bed and pulled on the highway, built on a chassis eight feet or less wide and 40 feet or less long.

(3) **MOTOR HOMES.** A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle or so altered.

(4) **PICK-UP COACH.** Structure designed to be mounted on a truck chassis or cut down car or truck.

(5) **TRAVEL TRAILER.** A vehicle, identified by the manufacturer as a trailer, built on a chassis eight feet or less wide and 35 feet or less long, and designed to move on the highway.

RECREATION VEHICLE PARK. Any lot, parcel or tract of land approved for the location of two or more recreational vehicle sites, established for maintained for occupancy by recreation vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RELIGIOUS INSTITUTION. A church, temple, chapel, synagogues, convent, seminary, monastery, nunnery, rectory, parsonages, parish houses, and religious retreats.

REPAIR. Any construction which replaces materials but does not change the height, number of stories, size or location of a building or other structure.

RESIDENCE. A building, or any part of a building, which contains living and sleeping accommodations for permanent occupancy. This includes all single-family and multifamily dwellings.

RESTAURANT. Any establishment, however designed, at which food is sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises.

ROADSIDE STAND. A wholly or partially enclosed shed for the sale of neighborhood agricultural products or other products produced on the premises, which stand shall be located so as to permit customers to drive completely off of the highway while dealing.

SANITARIUM, SANATORIUM. A private hospital, whether or not such facility is operated for profit.

SCHOOL. An institution consisting of teachers and pupils, irrespective of age, gathering together for instruction in any branch of learning arts or the sciences.

SCHOOL, COLLEGE. Same as elementary and secondary school except general education is provided above the level of the secondary school and may include junior college, college, or university.

SCHOOL, NURSERY. A school designed to provide daytime care in instruction of two or more children from two to five years of age inclusive, and operated on a' regular basis.

SCHOOL, VOCATIONAL. Same as elementary school and secondary school except that the primary activity is training in a trade or vocation.

SCHOOL AND EDUCATIONAL SERVICES. A business college, trade school, music conservatory, art or dance school, or similar organization offering training in a specific field.

SCREEN. A fence, wall, row of evergreen hedges or shrubs, row of supported evergreen vines, or in applicable cases, an accessory building, with components so located, spaced and maintained that it provides an effective visual barrier, six feet or more in height.

SCREENED, EFFECTIVELY. A particular use shall be considered effectively screened when barriers of sufficient height and density are provided so as to reduce the transmission of light and sound into adjacent property.

SETBACK. The required distance between a structure or accessory structure and any lot line on which structure is located.

SETBACK, FRONT. The distance from the centerline of the right-of-way to the front wall or that part of the structure nearest the street line, measured at right angles from the street line, not including steps or open porches.

SETBACK, REAR. The distance from the rear lot line of the nearest part of the structure, measured from the rear lot line.

SETBACK, SIDE. The distance from the side lot line to the nearest part of the structure, measured from the side lot line.

SEWERS, CENTRAL OR GROUP. An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

SEWERS, ON-SITE. A septic tank or similar installation on an individual lot for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the Wayne County Health Department.

SHOPPING CENTER. A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking on the property, and related in its location, size, and type of shops to the trade area which the unit serves.

SIDEWALK. That portion of the road right-of-way, which is improved for the use of pedestrian traffic.

SIGN. Any writing, pictorial representation, emblem, flag, or any other figures of similar character which is a structure or part thereof or is attached or painted on or in any manner represented on a

building or structure; and is used to announce, direct attention to, or advertise; and is visible from outside a building. **SIGN** includes the word billboard but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event. Further, this definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office or posted by a public officer in the performance of a public duty.

SIGN, ADVERTISING. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where displayed or only incidentally on the premises.

SIGN, AREA OF. The total exterior surface computed in square feet of a sign having but one exposed exterior surface; one-half the total of the exposed exterior surface computed in square feet of a sign having more than one surface.

SIGN, BUSINESS. A sign which directs attention to an activity, business or profession conducted on the premises where displayed. A real estate sign advertising the sale, rental, or lease of the premises on which it is maintained, institutional bulletin boards, and a professional or announcement sign accessory to a home occupation, or dwelling shall not be deemed a business sign.

SITE PLAN. A plan of a lot on which is shown location of all existing or proposed buildings, structures, right-of-ways, boundaries and all essential dimensions.

SPECIAL EXCEPTION. A use permitted within a district other than a principally permitted use requiring approval of the Board of Zoning Appeals because of its unusual nature.

STORY. That portion of a building, including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, FIRST. The lowest story or the ground story of any building the floor of which is not more than 12 inches below the average level of the adjoining ground at the exterior walls of the building; except that any basement or cellar used as a dwelling shall be deemed the first story.

STORY, HALF. A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story; provided, however, that any partial story used as a dwelling shall be deemed a full story.

STORY, HEIGHT OF. The vertical distance from the top surface of the floor to the top surface of the floor next above. The height of the topmost story is the distance from the surface of the floor to the top surface of the ceiling joists.

STORY, MEZZANINE. A story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath it.

STREET. An area which primarily serves or is intended to serve as a vehicular or pedestrian access to abutting property or to other streets.

STREET, APPROVED. Any street, whether public or private, meeting the standards and specifications of Wayne County, Indiana.

STREET, PRIVATE. Any street which is under the jurisdiction of an individual, corporation, or trustee or any street which is privately owned, established, and maintained.

STREET, PUBLIC. Any right-of-way 50 feet or more in width which provides a public means of access to abutting property, or any other such right-of-way more than 20 feet in width and less than 50 feet in width provided it existed prior to the enactment of this chapter which is or will be dedicated for public use.

STREET, RIGHT-OF-WAY LINE. A line determining the limit of the highway rights of public, either existing or contemplated.

STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground excluding fences. A pond or lake including a dam or constructed retainer and any impounded liquid to normal water line shall also be considered a structure within this definition.

STRUCTURALLY ALTERED. Changes which increase, extend or enlarge the building or convert the existing building into a different structure or affect the form or character of an existing building or structure.

SUBDIVIDE. The division for development purposes of any tract or parcel into a maximum of two separate parcels. To subdivide one time, any parcel existing at the time of the adoption of this chapter is permissible and exempt from the control of the subdivision ordinance. To subdivide parcels where all resulting parcels exceed 20 acres is also exempt from the subdivision ordinance. All divisions of parcels are subject to the requirements of the zoning ordinance district in which the division occurs.

SUBDIVISION.

(1) **MAJOR SUBDIVISION.** All other divisions for developmental purposes into legally described parcels or lots, including the division of parcels whenever a new street or major utility is constructed or extended or whenever drainage improvements utilizes adjoining parcels, may be made only after complying with the major plat provisions of the subdivision control ordinance.

(2) **MINOR SUBDIVISION.** The division for developmental purposes of a parcel into not more than three lots where there is not an opening of a new public way and it otherwise complies with the zoning ordinance is permitted by following the minor plat provisions of the subdivision control ordinance.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the fair market value of the structure either:

- (1) Before the improvement is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

SUITABLY LANDSCAPED. Landscaped with vegetation of a type sufficient to effectively screen differing uses, enhance the quality of the environment, limit erosion, and protect the general welfare.

TEMPORARY TRACT OFFICE. A structure, placed or constructed for the purpose of housing personnel and equipment required for development or sale of the development, which shall be removed when no longer needed.

TERRACE. An open porch without a permanent roof.

THEATER. A building or part of a building devoted to showing moving pictures or stage productions on commercial basis.

TOURIST CABINS. A group of buildings, including separate cabins which contain living and sleeping accommodations for transient occupancy.

TOWN HOUSE. A building consisting of a series of one-family attached dwelling units having common party walls between each dwelling unit, and utilizing common open space and parking.

USE. The specific purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building, or a structure is, or may be occupied or maintained.

USE, PERMITTED. Any building, structure, or use which complies with applicable regulations of this chapter, governing uses of the zone district in which such building, structure, or use is located.

USE, PERMITTED FIRST IN X DISTRICT. A use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in the X district.

USE, PRINCIPAL. The main or primary purpose of which a building, structure, or land is designed, arranged or intended, or for which they may be used, occupied or maintained under this chapter. The use of any other building, or structure on the same land and incidental or supplemental thereto and permitted under this chapter shall be considered an accessory use.

USE, PROHIBITED. A use of a building, structure, lot or land or part thereof which is not listed as a permitted or special exception use.

USE, PUBLIC. Public parks, schools, fire and police stations, libraries, museums, city and town halls, county courthouses, utility complexes, fairgrounds and other administrative and cultural buildings and structures, but not including public land or buildings devoted solely for the storage and maintenance of equipment and material and public service facilities.

USE, QUASI-PUBLIC. Churches, Sunday schools, private and parochial schools, colleges, hospitals, cemeteries, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

USE, TEMPORARY. An activity conducted for specific limited period of time which may not otherwise be permitted by the provisions of this chapter.

VICINITY MAP. A small drawing located on the plat which sets forth the relationship of a proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALL. A structure of wood, stone, or other materials or combination thereof intended for defense, security, screening, or enclosure, or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.

WALL, PARTY. A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one building unit from another and is in joint use by each building unit.

YARD. An open space other than a court, on a lot, unoccupied and obstructed from the ground upward except as permitted in this chapter.

YARD, FRONT. A yard extending across the full width of the lot between any part of a building not hereafter excepted and the front lot line; and the depth of a front yard is the minimum horizontal distance between any part of the building, other than such parts as hereinafter excepted, and the front lot line.

YARD, FRONT DEPTH, HOW MEASURED. Yard measurement, for property abutting a public thoroughfare, shall be made from the centerline of said street or roadway.

YARD, REAR. A yard extending across the full width of the lot between a building and the rear lot line; and the depth of a rear yard is the minimum horizontal distance between any part of the building, other than such parts as hereinafter excepted, and the rear lot line.

YARD, SIDE. A yard between the front yard and the rear yard between a building and the nearest side lot line; and the width of a side yard is the minimum horizontal distance between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.

YARD, SIDE WIDTH, HOW MEASURED. Side yard width shall be measured from the nearest side lot line and, in case such lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if a proposed right-of-way line of such street has been officially established, then the required side yard least width shall be measured from such proposed right-of-way line.

YARD SALES, PRIVATE OR RUMMAGE. A sale of used clothing and/or household items conducted only by the immediate members of one or two families in a residence, private garages, porch, or yard.

YARD SUPPLY. A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain and similar goods.

ZONING INSPECTOR. The Zoning and Subdivision Planning Administrator of Cambridge City, Indiana or his authorized representative.

ZONING MAP. The zoning map or maps of Cambridge City, Indiana, together with all amendments subsequently adopted.
(Ord. 1-2006, passed 2-13-2006)

DISTRICTS AND BOUNDARIES

§ 155.010 ESTABLISHMENT OF DISTRICTS.

The Cambridge City unincorporated jurisdictional area is hereby divided into eight categories of zoning districts as follows:

- (A) Conservation District.
- (B) Agricultural - Residence Districts.
 - (1) A-1 Agricultural District.

(2) R-1 One-Family Residence District.

(3) R-2 Multi-Family Residence District.

(C) Non-residence Districts.

(1) C-1 Neighborhood Business District.

(2) C-2 Community Business District.

(3) C-3 General Business District.

(4) M-1 Light Industrial District.

(5) M-2 General Industrial District.

(Ord. 1-2006, passed 2-13-2006)

§ 155.011 ZONING MAPS.

District and boundaries established. Said several districts and boundaries thereof are hereby adopted and established as shown on the zoning maps of Cambridge City, Indiana, collectively known as the Cambridge City Zoning for Unincorporated Jurisdictional Area Map dated November 3, 2005 and subsequent amendments. Zoning maps properly attested shall be and remain on file in the office of the Zoning Administrator.

(Ord. 1-2006, passed 2-13-2006)

§ 155.012 DISTRICT BOUNDARY INTERPRETATION.

(A) Except where referenced on the zoning map to a street or alley lines or other designated line by dimensions shown on said map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of the original adoption of the zoning ordinance; however, where a district line obviously does not coincide with the lot lines or such center lines or where it is not designated by dimension, it shall be determined by scaling.

(B) Where a district boundary line divides a lot which was in single ownership at the time of enactment of this chapter, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this chapter shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within 25 feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

(C) All questions concerning the exact location of district boundary lines shall be determined by the Board according to rules and regulations which may be adopted by it.
(Ord. 1-2006, passed 2-13-2006)

§ 155.013 PROCEDURES FOR ANNEXED OR VACATED AREAS.

(A) Territory detached from an incorporated city or town subsequent to the effective date of this chapter shall, upon the effective date of such disannexation, become a part of the A-1 District. Such districting shall be continued until modified. The Commission shall recommend to the Town Council, within a period of not to exceed six months from such date of disannexation, a final zoning districting plan for such property, if any change is desired.

(B) Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall henceforth be subject to all regulations of the extended district or districts.
(Ord. 1-2006, passed 2-13-2006)

§ 155.014 UNIDENTIFIED PROPERTY.

In every case where property has not been specifically included within a district, the same is hereby declared to be in the A-1 District.
(Ord. 1-2006, passed 2-13-2006)

EFFECTS OF DISTRICTING AND GENERAL REGULATIONS

§ 155.020 DISTRICT, MORE RESTRICTED OR LESS RESTRICTED.

Each of the districts in the following list shall be deemed to be more restricted than any of the districts succeeding it, and each shall be deemed to be less restricted than any of the districts preceding it: A-1, R-1, R-2, C-1, C-2, C-3, M-1 and M-2.
(Ord. 1-2006, passed 2-13-2006)

§ 155.021 CONFORMANCE REQUIREMENTS.

Except as hereinafter specified, no land, buildings, structure, or premises shall hereafter be used, and no building, or part thereof, or other structure shall be located, erected, moved, reconstructed,

extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located. Regulations include:

(A) Structures or land, including performance standards for the control of any dangerous and objectionable elements, as defined herein, in connection with such use;

(B) The height, size or dimensions of buildings or structures, the size or dimensions of lots, yards, and other open spaces surrounding buildings;

(C) The provision, location, size, improvement, and operation of off-street parking, loading, and unloading spaces.

(Ord. 1-2006, passed 2-13-2006)

§ 155.022 ADDITIONAL USES.

Uses other than those specifically mentioned in this chapter as permitted uses in each of the districts may also be allowed therein, except for uses prohibited therein or which are first permitted in a less restrictive district and provided that, in the judgement of the Board as evidenced by decision of record that such other uses are of similar character to those mentioned and will have no adverse influence on adjacent properties or the neighborhood or the community than the permitted uses specifically mentioned for the district.

(Ord. 1-2006, passed 2-13-2006)

§ 155.023 ADDITIONAL PROHIBITED USES.

Uses other than those specifically prohibited in this chapter in any district shall also be prohibited therefrom, provided that in the judgement of the Board, as evidenced by decisions of record, such other uses are similar in character to those specifically prohibited in that they would have similar or more serious adverse influence on adjacent properties or the neighborhood or the community than the uses specifically mentioned as prohibited in the district.

(Ord. 1-2006, passed 2-13-2006)

§ 155.024 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN THE RESTRICTED DISTRICT.

Along any zoning boundary line on a lot in the less restricted district, a front yard facing a lot in the more restricted district and any side yard, rear yard or court abutting said zoning boundary line, unless subject to greater restrictions or requirements stipulated by other provisions of this chapter, shall have

a minimum depth and width equal to the average of the required minimum depth or width for such front yards, side yards, rear yards, or courts in the two districts on either side of such zoning boundary line. In cases where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum depth or width of the side yard, rear yard or court for such structure shall be determined by increasing the minimum depth or width for the highest structure permitted in such more restricted district by one foot for each two feet by which the proposed structure exceeds the maximum height permitted in said more restricted district. (Ord. 1-2006, passed 2-13-2006)

§ 155.025 STREET FRONTAGE REQUIREMENTS.

Except as permitted by other provisions of this chapter, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least 40 feet on a street and there shall be not more than one, single-family dwelling for such frontage. (Ord. 1-2006, passed 2-13-2006)

§ 155.026 REQUIRED AREA OR SPACE CANNOT BE REDUCED.

No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this chapter. No part of a yard, court, parking area, or other space provided about, or for any building or structure for the purpose of complying with the provisions of this chapter shall be included as part of a yard, court, parking area or other space required under this chapter for another building or structure. (Ord. 1-2006, passed 2-13-2006)

§ 155.027 OFF-STREET PARKING AND LOADING.

In every district spaces for off-street parking and for, off-street loading and unloading shall be provided in accordance with the provisions of §§ 155.160 and 155.161. (Ord. 1-2006, passed 2-13-2006)

§ 155.028 ENCROACHING DOORS.

Every garage building or portion of a main building used for garage purposes shall be so equipped that the doors when open or being opened will not project beyond any lot line of the lot on which such building is located, and when said doors open to an alley the wall or portion thereof containing said doors shall be at least six feet from the line forming the common boundary between said lot and the alley. (Ord. 1-2006, passed 2-13-2006)

§ 155.029 ESSENTIAL SERVICES.

(A) *Definition.* The erection, construction, alteration, or maintenance, by communication companies, public utilities, or governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment for the furnishing of adequate service by such companies, public utilities, or municipal or other governmental agencies if not occupied by personnel, and does not provide toilet facilities, shall be permitted for the above in any zone district provided that the structure is at least 10 feet from side property lines, 20 feet from rear property line and set back from the right-of-way the minimum distance as required in the zoning district where the structure is to be located, and adequate off-street parking is provided for service cars or trucks.

(B) *Exemption for chapter.* Essential services shall be permitted as authorized and regulated by law and other provisions of Cambridge City and/or Wayne County, it being the intention hereof to exempt such essential services from the application of this chapter.

(Ord. 1-2006, passed 2-13-2006)

§ 155.030 UNSAFE BUILDINGS.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

(Ord. 1-2006, passed 2-13-2006)

§ 155.031 PENDING APPLICATION FOR BUILDING PERMITS.

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been granted before the enactment of this chapter, the construction of which shall have been completed within 12 months after the effective date of this chapter.

(Ord. 1-2006, passed 2-13-2006)

§ 155.032 EXTRACTION OF MINERALS AND OIL DRILLING PROHIBITED.

The extraction or mining of minerals or the extracting of oil or other hydrocarbons are expressly prohibited within lands which are used for residential purposes and where there are eight or more residences within a quarter mile square area. Such extraction or mining is also expressly prohibited within any R-1 or R-2 Districts which are contiguous to any incorporated city or town since these areas have been planned for residential development.

(Ord. 1-2006, passed 2-13-2006)

NON-CONFORMING USES

§ 155.040 PRIOR USES; NON-CONFORMING PERMITTED TO CONTINUE.

(A) Except as hereinafter specified, any use, building or structure, existing at the time of the enactment of this chapter may be continued, even though such use, building or structure may not conform with the provisions of this chapter for the district in which it is located.

(B) No existing building or lot devoted to a use not permitted by this chapter in the district in which such building or lot is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted, or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located and except as follows:

(1) When authorized by the Board, the substitution for a non-conforming use of another not more objectionable non-conforming use or an extension or a non-conforming use may be made, but not both a substitution and an extension;

(2) When authorized by the Board, the extension or completion of a building devoted to a non-conforming use upon a lot occupied by such building or on a lot in question on the date the use of such building became nonconforming and where such extension is necessary and identical to the existing use of such building;

(3) When authorized by the Board a non-conforming use may be extended throughout those parts of a building which were manifestly designed and arranged for such use prior to the date when such use of said building became non-conforming, if no structural alterations, except those required by law, are made therein.

(C) Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

(D) No building, structure, or lot where a non-conforming use has ceased for one year or more shall again be put to a non-conforming use.

(E) Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board.

(F) Variances may be authorized by the Board of Zoning Appeals in the event that a non-conforming use existed on June 3, 1957 and the use has ceased for a period of one continuous year. The variance can include the use in effect on June 3, 1957 or a substitution of a use not less restrictive

than that use that was non-conforming on June 3, 1957. While a substitution of a non-conforming use that is less restrictive may be granted, and an extension of a non-conforming use that has ceased to exist for one continuous year cannot be granted or approved.

(Ord. 1-2006, passed 2-13-2006)

§ 155.041 MINIMUM LIVING AREA OF A RESIDENCE.

The minimum living area of a residence (excluding attached garages, patios, porches, decks and unfinished basements) shall exceed 950 feet.

(Ord. 1-2006, passed 2-13-2006)

A-1 AGRICULTURAL DISTRICT

§ 155.050 PRINCIPAL PERMITTED USES.

(A) On tracts of five acres or more the following agricultural uses will be permitted and, buildings or structures or land may be erected, altered, enlarged which is arranged or designed for the following uses.

(1) Agricultural and the usual agricultural buildings, structures, farm office buildings, commercial and non-commercial nurseries and greenhouses.

(2) A single one-family dwelling per parcel.

(3) Churches, schools, and colleges for academic instruction, public buildings, structures, and properties of the recreational, cultural, administrative, or public service type.

(4) Non-commercial, recreation areas and centers including country clubs, swimming pools, golf courses, and summer camps, public and private forests and wild-life preserves, and similar conservation areas.

(5) Kennel.

(6) Cemetery.

(7) All signs in accordance with provisions of § 155.180 through 155.184.

(8) Sawmill. (Cutting timber grown primarily on the premises.)

(9) Essential services as permitted in § 155.029.

(10) Community development unit projects.

(11) None of the foregoing may be used in excess of any of the other restrictions or prohibitions of this chapter.

(12) All non-conforming uses, pursuant to § 155.040.

(B) On tracts of three acres or more animal husbandry of not to exceed two animals shall be permitted.

(Ord. 1-2006, passed 2-13-2006)

§ 155.051 SPECIAL EXCEPTIONS.

(A) Those uses listed as special exception for the A-1 Agricultural District in § 155.204 may be permitted in accordance with the provisions of § 155.200 through 155.203.

(B) On tracts of less than five acres animal husbandry is not permitted except as a special exception in accordance with the provisions of § 155.200 through 155.204, or as a principal permitted use in accordance with § 155.050(B).

(Ord. 1-2006, passed 2-13-2006)

§ 155.052 ACCESSORY USES.

Those uses, buildings, or structures customarily incidental to any aforesaid principal use or special exception shall be permitted in conjunction with such use, including the following:

(A) Fall out shelter;

(B) Living quarters of persons employed on the premises;

(C) A private garage or parking area subject to provisions of §§ 155.161 through 155.165;

(D) Home occupations;

(E) Rooming or boarding house (lodging house);

(F) Temporary roadside stands, offering for sale only neighborhood agricultural products or other products on the premises;

(G) Advertising signs, business signs, real estate signs, professional or announcement signs, institutional bulletin boards, subject to the provisions of §§ 155.180 through 155.184;

(H) Temporary buildings incidental to construction;

(I) All accessory structures for other than farm use shall require a building permit acquired pursuant to Wayne County Building Code.

(Ord. 1-2006, passed 2-13-2006)

§ 155.053 HEIGHT REGULATIONS.

No principal structure shall exceed two and one-half stories or 30 feet and no accessory structure shall exceed the height of the principal structure except as provided in §§ 155.235 and 155.236.

(Ord. 1-2006, passed 2-13-2006)

§ 155.054 LOT AREA, WIDTH AND YARD REQUIREMENTS.

The following minimum requirements shall apply except as provided in §§ 155.230, 155.235, 155.236, 155.240 through 155.242 and 155.245.

	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Yard Depth</i>	<i>Minimum Side Yard Width - Each</i>	<i>Minimum Rear Yard Depth</i>
	<i>Acres</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
Dwellings	1½	250	100	50	50
	1*	200*	100*	40*	40*
Other permitted uses	3	275	100	50	50
* Minimum requirements if located on public sewer and water systems.					

(Ord. 1-2006, passed 2-13-2006)

§ 155.055 MINIMUM SETBACK REQUIREMENTS.

The minimum setback requirements for any permitted use on lots with a width of less than 200 feet as shown in the records of the Recorded of Wayne County on March 19, 1973 are as follows:

<i>Setback Requirements</i>	
Front yard depth	65 feet*
Rear yard depth	40 feet
Side yard depth (each)	20 feet
<p>* This front setback is increased to 75 feet if the lot exceeds 200 feet in depth.</p> <p>Accessory structures may be located in the rear yard within three feet of rear or side lot lines.</p> <p>Detached accessory structures may be located in the side yard provided they meet the minimum setback requirement for a principal permitted use.</p>	

(Ord. 1-2006, passed 2-13-2006)

§ 155.056 SUBDIVISION.

(A) Subdivision of land for residential purposes is permitted in this zone.

(B) Subdivision of land for commercial or individual purposes is not permitted in this zone.

(Ord. 1-2006, passed 2-13-2006)

RESIDENTIAL DISTRICTS - GENERAL REGULATIONS

§ 155.060 GENERAL REQUIREMENTS.

All residential structures and uses shall be subject to the specifications and regulations of the following specific sections for R-1 One-Family Residential District; R-2 Multi-Family Residential District, and general specifications as set out herein, pertaining to all use districts.

(Ord. 1-2006, passed 2-13-2006)

§ 155.061 REAR DWELLINGS IN R-DISTRICT.

In any R-District, no building in the rear of a principal building on the same lot shall be used for residential purposes.

(Ord. 1-2006, passed 2-13-2006)

§ 155.062 TRANSITIONAL USES IN R-DISTRICT.

In any R-1 District a transitional use shall be permitted on a lot, the side lot line of which adjoins either directly or across an alley any C- or M-District. The permitted transitional uses for any such lot in the R-District shall be any use permitted in the R-1 District, the permitted transitional uses for any such lot in the R-1 District shall be any use permitted in the R-2 District. The requirements governing lot area per dwelling unit, off-street parking, yards and other open spaces shall be those of the R-1 District for any such lot in the R-District, those of the R-2 District for any such lot in the R-1 District. (Ord. 1-2006, passed 2-13-2006)

§ 155.063 ACCESSORY USES IN R-DISTRICTS.

(A) An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected therewith by a breezeway or similar structure. Except as provided in division (B) below, no accessory building shall be erected in any required yard or court, except a rear yard, and shall not occupy more than 35% of a required rear yard. Accessory buildings shall be distant at least six feet from any dwelling situated on the same lot, unless an integral part thereof, and at least six feet from all lot lines of adjoining lots which are within any R-District unless located more than 50 feet from street line.

(B) In any R-District, where a corner lot adjoins in the rear a lot fronting on the side street and located in any R-District, no part of an accessory building on such corner lot within 25 feet of the common lot line shall be nearer a side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot; and in no case shall any part of such accessory building be nearer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.

(C) No accessory use or structure in any R-1 District, except an off-street parking area subject to the provisions of §§ 155.161 and 155.162, shall be permitted nearer to any front lot line than 50 feet, unless such use or structure is contained within, or connected to, the principal building.

(D) Except as provided in §§ 155.240 through 155.242, an accessory building, if not located in the rear yard shall be an integral part of, or connected with, the principal building to which it is accessory, and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as said accessory building. Where an accessory building is located more than 50 feet from the front street line it may be located within three feet of the side or rear lot lines.

(E) In any R-District no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal of main building. (Ord. 1-2006, passed 2-13-2006)

§ 155.064 SIDE YARDS.

There shall be a side yard on each side of all buildings in the R-District as specified in each district. The side yard on the street side of corner lot shall be six feet more than the side yard required in each district for an interior lot.

(Ord. 1-2006, passed 2-13-2006)

§ 155.065 TRAFFIC VISIBILITY ACROSS CORNER LOTS.

In any R-District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines) which interferes with traffic visibility across the corner.

(Ord. 1-2006, passed 2-13-2006)

§ 155.066 PARKING OF TRUCKS IN R-DISTRICT.

No moving van, tractor-trailer or similar vehicle of a rated weight of more than one and one-half ton shall be parked on any street or on any residential premises in any R-District for any consecutive period of four hours or more, unless loading and unloading provided that nothing herein shall prevent the parking of such vehicle in a fully enclosed garage of similar permanent structure.

(Ord. 1-2006, passed 2-13-2006)

§ 155.067 YARDS SALES, PRIVATE OR RUMMAGE.

No private or rummage yard sales shall be continued for longer than five consecutive days nor more than 15 days of any calendar year by any of the same persons or on the same property.

(Ord. 1-2006, passed 2-13-2006)

§ 155.068 MEASUREMENT OF BASEMENT AND CELLARS.

A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination. A cellar shall not be considered in determining the height measurements.

(Ord. 1-2006, passed 2-13-2006)

R-1 ONE-FAMILY RESIDENCE DISTRICT**§ 155.070 PRINCIPAL PERMITTED USES.**

No building, use, structure or land shall be erected, altered, enlarged or permitted which is arranged or designed for other than one of the following uses, except as provided herein and in § 155.040:

(A) A single one-family dwelling per parcel;

(B) Essential services as defined in § 155.029.

(Ord. 1-2006, passed 2-13-2006; Ord. 7-2011, passed 11-14-2011)

§ 155.071 SPECIAL EXCEPTIONS.

Those uses listed as special exceptions for the R-1 One-Family Residence District in § 155.204 may be permitted in accordance with the provisions of §§ 155.200 through 155.203.

(Ord. 1-2006, passed 2-13-2006)

§ 155.072 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal use or special exception shall be permitted in conjunction with such use, including the following:

(A) Fall-out shelter;

(B) Any use permitted and as regulated in the R-S District except as modified herein.

(Ord. 1-2006, passed 2-13-2006)

§ 155.073 HEIGHT REGULATIONS.

No principal structure shall exceed two and one-half stories or 30 feet and no accessory structure shall-exceed the height of the principal structure except as provided in §§ 155.235 and 155.236.

(Ord. 1-2006, passed 2-13-2006)

§ 155.074 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall apply except as provided in §§ 155.230, 155.235, 155.236, 155.240 through 155.242, 155.245 and 155.246.

	<i>Minimum Lot Area</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Yard Depth</i>	<i>Minimum Side Yard Width - Each</i>	<i>Minimum Rear Yard Depth</i>
	<i>Sq. Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
Dwellings					
1 and 1½ stories (on public water/sewer)	8,000	65	50	8	30
(on septic)	1 acre	65	50	8	30
2 and 2½ stories (on public water/sewer)	10,000	75	50	10	30
(on septic)	1 acre	75	50	10	30
Other principal permitted uses	20,000	100	55	20	40

(Ord. 1-2006, passed 2-13-2006)

§ 155.075 COURTS.

Whenever any room in which persons live or sleep cannot be reasonably and adequately lighted and ventilated from a front, side, or rear yard; a court, conforming with the provisions of this section, shall be provided on which such rooms shall open. Such court need not extend below the lowest story it is required to serve.

(A) An outer court which extends directly to and opens for its full width on a front, side or rear yard, shall be not less than six inches wide for each foot of height above the sill of the lowest window served by it nor, in any case, less than six feet wide. The length of such court, measured perpendicular to the width, shall not exceed twice such width unless such width conforms to the requirements of division (B) below.

(B) An inner court which does not extend directly to nor open for its full width on a front, side or rear yard shall be not less than nine inches wide for each of height above the sill of the lowest window served by it nor, in any case, less than ten feet.

(Ord. 1-2006, passed 2-13-2006)

R-2 MULTI-FAMILY RESIDENCE DISTRICT**§ 155.080 PRINCIPAL PERMITTED USES.**

No building, use, structure, or land shall be erected, altered, enlarged, or permitted which is arranged or designed for other than one of the following uses except as provided herein and in § 155.040:

- (A) Any use permitted and as regulated in the R-1 District except as modified herein;
- (B) Multi-family dwellings, apartment hotels;
- (C) Non-commercial clubs and lodges;
- (D) Non-commercial recreation facilities;
- (E) Town-house dwelling units;

(F) Subdivision of land for residential purposes is permitted. No subdivision of land for commercial or industrial is permitted.

(Ord. 1-2006, passed 2-13-2006)

§ 155.081 SPECIAL EXCEPTIONS.

Those uses listed as special exceptions for the R-2 Multi-Family Residence District in § 155.204 may be permitted in accordance with the provisions of §§ 155.200 through 155.203.

(Ord. 1-2006, passed 2-13-2006)

§ 155.082 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal use or special exception shall be permitted in conjunction with such use, including the following:

- (A) Fall-out shelter;
- (B) The accessory uses permitted and as regulated in the R-1 District except as modified herein;

(C) Home occupations provided that not more than one-half of the area of one floor of the dwelling is devoted to such use.

(Ord. 1-2006, passed 2-13-2006)

§ 155.083 HEIGHT REGULATIONS.

One-family or two-family dwellings shall not exceed two and one-half stories or 30 feet in height; multi-family dwellings or other principal structures shall not exceed a height of 60 feet; and accessory structures shall not exceed two stories or 25 feet except as provided in §§ 155.235 and 155.236. (Ord. 1-2006, passed 2-13-2006)

§ 155.084 AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall apply except as provided in §§ 155.230, 155.235, 155.236, 155.240 through 155.242, 155.245 and 155.246.

	<i>Minimum Lot Area</i>	<i>Minimum Lot Area Per Family</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Front Yard Depth</i>	<i>Minimum Side Yard Width - Each</i>	<i>Minimum Rear Yard Depth</i>
	<i>Sq. Feet</i>	<i>Sq. Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
One and Two Family Dwellings (with public sewer and water) 1 Family 2 Family	8,000 10,000	8,000 5,000	65 80	50 50	8 10	30 30
One and Two Family Dwellings (with septic) 1 Family 2 Family	1 acre 1 acre	8,000 5,000	80 80	50 50	8 10	30 30
Multi-Family Dwelling 1 and 1½ stories (with public sewer and water) (with septic)	12,000 1 acre	3,000 3,000	80 80	50 50	10 10	30 30
Multi-Family Dwelling 2 and 2½ stories (with public sewer and water) (with septic)	12,000 1 acre	3,000 3,000	100 100	50 50	12 12	30 30
Multi-Family Dwelling 3 and 3½ stories (with public sewer and water) (with septic)	12,000 1 acre	3,000 3,000	120 120	50 50	14 14	35 35

Cambridge City - Land Usage

	<i>Minimum Lot Area</i>	<i>Minimum Lot Area Per Family</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Front Yard Depth</i>	<i>Minimum Side Yard Width - Each</i>	<i>Minimum Rear Yard Depth</i>
	<i>Sq. Feet</i>	<i>Sq. Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
Multi-Family Dwelling 4 or more stories (with public sewer and water) (with septic)	14,000 1 acre	3,000 3,000	140 140	50 50	20** 20	40 40
Other principal permitted uses	20,000	--	150	50	20**	40
** Two feet for each story in excess of four stories						

(Ord. 1-2006, passed 2-13-2006)

§ 155.085 COURTS.

Whenever any room in which persons live or sleep cannot be reasonably and adequately lighted and ventilated from a front, side, or rear yard, a court, conforming with the provisions of this section, shall be provided on which such rooms shall open. Such court need not extend below the lowest story it is required to serve.

(A) An outer court which extends directly to and opens for its full width on a front, side or rear yard, shall be not less than six inches wide for each foot of height above the sill of the lowest window served by it nor, in any case, less than six feet wide. The length of such court, measured perpendicular to the width, shall not exceed twice such width unless such width conforms to the requirements of division (B) below.

(B) An inner court which does not extend directly to nor open for its full width on a front, side or rear yard shall be not less than nine inches wide for each of height above the sill of the lowest window served by it nor, in any case, less than ten feet.

(Ord. 1-2006, passed 2-13-2006)

BUSINESS DISTRICTS

§ 155.090 GENERAL REQUIREMENTS.

All structures and uses shall be subject to the specifications of the following specific sections relating to C-1 Neighborhood Business District, C-2 Community Business District, and C-3 General Business District.

(Ord. 1-2006, passed 2-13-2006)

C-1 NEIGHBORHOOD BUSINESS DISTRICT

§ 155.100 PRINCIPAL PERMITTED USES.

No building, use, structure or land shall be erected, altered, enlarged, or permitted which is arranged or designed for other than one of the following uses, except as provided herein and in § 155.040.

(A) Any use permitted and as regulated in the R Districts except as modified herein.

(B) Retail and service uses as follows:

- (1) Antique shops;
- (2) Art galleries;
- (3) Barber shops;
- (4) Beauty shops;
- (5) Book and stationery stores;
- (6) Coin and philatelic stores;
- (7) Camera and photographic supply stores;
- (8) China and glassware stores;
- (9) Clothes pressing establishments;

- (10) Custom dressmaking and millinery shops;
- (11) Drug stores;
- (12) Dry cleaning and laundry receiving stations, processing to be done elsewhere;
- (13) Dry goods stores;
- (14) Florist shops and conservatories;
- (15) Food stores, including grocery stores, meat markets, bakeries, candy and ice cream shops, delicatessens and frozen food stores including locker rental in conjunction therewith;
- (16) Garden supply and seed stores;
- (17) Gift shops;
- (18) Haberdasheries;
- (19) Hardware stores;
- (20) Hobby shops, for retail of items to be assembled or used away from the premises;
- (21) Jewelry stores, including watch repair;
- (22) Laundries, and dry cleaners; automatic, self-service type or hand, provided that laundry machines and dry cleaning machines shall not exceed ten pounds capacity each;
- (23) Leather goods and luggage stores;
- (24) Locksmith shops;
- (25) Medical and dental clinics;
- (26) Medical and dental offices;
- (27) Optician shops;
- (28) Paint and wallpaper stores;
- (29) Schools; including music, dance or business;

(30) Shoe and hat repair stores;

(31) Tailor shops;

(32) Tobacco shops;

(33) Trophy shops.

(C) Public parking areas subject to the provisions of §§ 155.116 and 155.160 through 155.165.

(D) Commercial development unit projects.

(E) Subdivision of land for non-residential and commercial purposes is permitted, but the subdivision of land for residential purposes or for industrial purposes is not permitted.

(Ord. 1-2006, passed 2-13-2006)

§ 155.101 SPECIAL EXCEPTIONS.

Those uses listed as special exceptions for the C-1 Neighborhood Business District in § 155.204 may be permitted in accordance with the provisions of §§ 155.200 through 155.203.

(Ord. 1-2006, passed 2-13-2006)

§ 155.102 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal use or special exception shall be permitted in accordance with the provisions of §§ 155.200 through 155.203, and as follows:

(A) Accessory uses permitted and as regulated in the R Districts. See § 155.072.

(B) Accessory uses and structure customarily accessory and incidental to any of the foregoing permitted C-1 non-residential uses and including off-street parking facilities subject to the provisions of §§ 155.160 through 155.165.

(Ord. 1-2006, passed 2-13-2006)

§ 155.103 REQUIRED CONDITIONS.

(A) All business, services or processing shall be conducted wholly within a completely enclosed building except for off-street parking; and such outdoor display or storage of vehicles, materials and equipment as may be authorized by the Commission.

(B) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by any reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste.
 (Ord. 1-2006, passed 2-13-2006)

§ 155.104 HEIGHT REGULATIONS.

No principal structure shall exceed two and one-half stories or 30 feet and no accessory structure shall exceed the height of the principal structure except as provided in §§ 155.235 and 155.236.
 (Ord. 1-2006, passed 2-13-2006)

§ 155.105 LOT AREA, FRONTAGE AND YARD REGULATIONS.

The following minimum requirements shall apply except as provided in §§ 155.240 through 155.242, 155.245 and 155.246.

	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Front Yard Depth</i>	<i>Minimum Side Yard Width</i>	<i>Minimum Rear Yard Depth</i>
	<i>Sq. Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
Non-Residential Uses	None	None	45	None; except when adjoining an R-District, then not less than 20 feet	None; except when adjoining an R-District, then not less than 20 feet
Residential - Same as required in R-1 District					

(Ord. 1-2006, passed 2-13-2006)

§ 155.106 COURTS.

Whenever any room in which persons live or sleep cannot be reasonably and adequately lighted and ventilated from a front, side, or rear yard, a court conforming with the provisions of this section, shall be provided on which such rooms shall open. Such court need not extend below the lowest story it is required to serve.

(A) An outer court which extends directly to and opens for its full width on a front, side or rear yard, shall be not less than six inches wide for each foot of height above the sill of the lowest window

served by it nor, in any case, less than six feet wide. The length of such court, measured perpendicular to the width, shall not exceed twice such width unless such width conforms to the requirements of division (B) below.

(B) An inner court which does not extend directly to nor open for its full width on a front, side or rear yard shall be not less than nine inches wide for each foot of height above the sill of the lowest window served by it nor, in any case, less than ten feet.
(Ord. 1-2006, passed 2-13-2006)

C-2 COMMUNITY BUSINESS DISTRICT

§ 155.110 PRINCIPAL PERMITTED USES.

No building, use, structure or land shall be erected, altered, endangered, or permitted which is arranged or designed for other than one of the following uses, except as provided herein and in § 155.040.

(A) Any use permitted and as regulated in the C-1 Districts, except as modified herein.

(B) Retail and service uses as follows:

(1) Ambulance Service;

(2) Amusement establishments, including bowling alleys, pool halls, dance halls, skating rinks, and other similar places of recreation;

(3) Art and school supply stores;

(4) Auction rooms;

(5) Auto accessory stores;

(6) Automobile wash;

(7) Automotive service station;

(8) Bicycle stores, including rental and repair;

(9) Blueprinting and photostating;

- (10) Catering establishments;
- (11) Carpet, rug, and linoleum stores;
- (12) Clothing and costume rental shops;
- (13) Currency exchanges;
- (14) Department stores;
- (15) Drive-in establishment;
- (16) Drive-in movie;
- (17) Electrical and household appliance stores, including radio and television sales;
- (18) Employment agencies;
- (19) Exterminating shops;
- (20) Flea market;
- (21) Funeral home;
- (22) Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use;
- (23) Furrier shops, including the incidental storage and conditioning of furs;
- (24) Hotel;
- (25) Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use;
- (26) Laundries, employing not more than four persons in addition to one owner or manager;
- (27) Liquor stores, package goods only;
- (28) Loan offices;

(29) Machinery sales rooms, with no repair or servicing, provided that storage and display of machinery, except of household appliances and office machines such as typewriters, shall be restricted to new floor samples.

(30) Motel;

(31) Musical instrument stores, including minor repairs;

(32) Office supply stores, including minor repairs;

(33) Orthopedic, medical, and surgical appliance stores, not including the assembly or manufacture of such articles;

(34) Park, playground, game court;

(35) Pawn shops;

(36) Pet shops;

(37) Photograph developing and processing shops;

(38) Physical culture and health services, including gymnasiums, swimming pools, reducing salons, masseurs, public baths;

(39) Picture framing establishments, when conducted for retail trade on the premises only;

(40) Plumbing showrooms;

(41) Pool, swimming, public;

(42) Printing establishments for letter press, business cards, mimeographing, and other similar custom services;

(43) Professional activities;

(44) Radio and television service and repair shops;

(45) Restaurant, hotel and bar fixture stores;

(46) Restaurants, including live entertainment and dancing and the serving of liquor in conjunction therewith;

- (47) Second hand stores and rummage shops;
- (48) Shoe stores;
- (49) Sporting goods stores;
- (50) Taxidermists shops;
- (51) Telegraph offices;
- (52) Ticket agencies, amusement;
- (53) Toy shop;
- (54) Travel bureaus and transportation ticket offices;
- (55) Variety stores;
- (56) Wearing apparel shops;
- (57) Environmental collection centers.

(C) Business and/or professional office; office buildings.

(D) Banks, including drive-in banks, savings and loan associations.

(E) Motor vehicle service station and garage, display, hire, sales and general automobile repair not including major body or fender repairs.

(F) Drive-in eating and drinking places, provided the principal building is distant not less than 100 feet from any R-District.

(G) Night clubs and theaters, but not within 100 feet of any R-District and subject to all applicable regulations and such permits as may be required by law.

(H) Trade or business schools provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor, or vibration; photographic studios, dancing studios, radio, and telecasting studios.

(I) Commercial recreational facility.

(J) Shopping center.

(Ord. 1-2006, passed 2-13-2006)

§ 155.111 SPECIAL EXCEPTIONS.

Those uses listed as special exceptions for the C-2 Community Business District in § 155.204 may be permitted in accordance with the provisions of §§ 155.200 through 155.203.
(Ord. 1-2006, passed 2-13-2006)

§ 155.112 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal use or special exception shall be permitted in conjunction with such use.

(A) Fall-out shelter;

(B) Accessory uses and structures as permitted and as regulated in the R-2 and C-1 Districts, as well as accessory uses and structures not otherwise prohibited customarily accessory and incidental to any of the foregoing permitted C-2 uses.
(Ord. 1-2006, passed 2-13-2006)

§ 155.113 REQUIRED CONDITIONS.

All conditions as specified for the C-1 District, except for new merchandise in the case of art and antique shops.
(Ord. 1-2006, passed 2-13-2006)

§ 155.114 HEIGHT REGULATIONS.

No principal structure shall exceed three stories or 45 feet and no accessory structure shall exceed the height of the principal structure except as provided in §§ 155.235 and 155.236.
(Ord. 1-2006, passed 2-13-2006)

§ 155.115 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall apply except as provided in §§ 155.240 through 155.242, 155.245 and 155.246.

	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Front Yard Depth</i>	<i>Minimum Side Yard Width</i>	<i>Minimum Rear Yard Depth</i>
	<i>Sq. Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
Non-Residential Uses	None	None	None; except when adjoining an R-District, then not less than 45 feet	None; except when adjoining an R-District, then not less than 30 feet	None; except when adjoining an R-District, then not less than 30 feet
Residential uses - Same as required in R-2 District					

(Ord. 1-2006, passed 2-13-2006)

§ 155.116 GARAGES AND PARKING AREAS, DISTANCE REQUIREMENTS.

(A) No motor vehicles service station, parking lot for 25 or more motor vehicles, or parking garage or motor vehicle repair shop, shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

(B) No motor vehicles filling station or public garage shall be permitted where any oil draining pit or visible appliance for any such purpose other than filling caps, is located within ten feet of any street lot line or within 25 feet of any R-District, except where such appliance or pit is within an enclosed building.

(Ord. 1-2006, passed 2-13-2006)

§ 155.117 COURTS.

Whenever any room in which persons live or sleep cannot be reasonably and adequately lighted and ventilated from a front, side, or rear yard, a court, conforming with the provisions of this section, shall be provided on which such rooms shall open. Such court need not extend below the lowest story it is required to serve.

(A) An outer court which extends directly to and opens for its full width on a front, side or rear yard, shall be not less than six inches wide for each foot of height above the sill of the lowest window served by it nor, in any case, less than six feet wide. The length of such court, measured perpendicular to the width, shall not exceed twice such width unless such width conforms to the requirements of division (B) below.

(B) An inner court which does not extend directly to nor open for its full width on a front, side or rear yard shall be not less than nine inches wide for each foot of height above the sill of the lowest window served by it nor, in any case, less than ten feet.
(Ord. 1-2006, passed 2-13-2006)

C-3 GENERAL BUSINESS DISTRICT

§ 155.120 PRINCIPAL PERMITTED USES.

No building, use, structure or land shall be erected, altered, enlarged, or used which is arranged or designed for other than one of the following uses, except as provided herein and in § 155.040.

(A) Any use permitted and as regulated in the C-2 District except as modified herein and except that no dwellings are permitted.

(B) The following uses provide that buildings shall be at least 50 feet from any R-District and shall have no openings adjoining any R-District other than stationary windows and fire escapes:

(1) Automobiles, trucks, trailers, farm implements, for sale, display, hire, major or minor repair including sales, lots, used car lots, trailer lots, body and fender shops, paint shops and bus storage;

(2) Battery and tire service stations;

(3) Building materials, sales;

(4) Commercial greenhouses;

(5) Contractor or construction shops, such as: building, cement, electrical, roofing, refrigeration, heating, and ventilating, masonry, painting, plumbing, air-conditioning;

(6) Dry-cleaning establishments;

(7) Frozen food lockers;

(8) Garages, model display and sales;

(9) House trailer sales;

- (10) Laundries;
 - (11) Linen, towel, diaper, and other similar supply service;
 - (12) Machinery sales;
 - (13) Mail order house;
 - (14) Monument sales;
 - (15) Motorcycle sale, including servicing and repair;
 - (16) Repair of household or office machinery or equipment;
 - (17) Trailers for motor vehicles, sales and rentals, not including house trailers or mobile homes;
- (C) Production and processing, limited to the following uses or products:
- (1) Advertising displays;
 - (2) Art needle work and hand weaving;
 - (3) Awning, venetian blinds, window shades;
 - (4) Bakeries, wholesale;
 - (5) Books, hand binding and tooling;
 - (6) Brushes and brooms;
 - (7) Carpenter shops for custom woodworking and custom furniture making;
 - (8) Clothing, custom manufacturing and alterations, for retail only;
 - (9) Cosmetics, drugs, and perfumes;
 - (10) Dentures;
 - (11) Food processing, packaging and distributing (except meat and fish, sauerkraut, vinegar, yeast and the rendering or refinishing of fats or oils);

(12) Garages and parking lots, other than accessory, for the storage of motor vehicles (but not including truck trailers) and subject to the provisions of §§ 155.160 through 155.165;

(13) Glass cutting and glazing;

(14) Jewelry (from precious metals);

(15) Laboratories, medical, dental, research, experimental, and testing, provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences;

(16) Light sheet metal products;

(17) Optical lenses;

(18) Packing and crating;

(19) Printing, commercial, including engraving and photo engraving;

(20) Soldering and welding;

(21) Tool, die and pattern making;

(22) Watches;

(23) Wholesale offices and storerooms with storage.

(D) Animal hospitals, kennels, display and housing of boarding of pets and other domestic animals, provided that any enclosure or building in which animals are kept shall be at least 100 feet from any R-district and at least 50 feet from any other C-District. Exercise runs shall be enclosed on four sides by pierced well-maintained fence or wall at least six feet in height.

(E) Bottling of soft drinks or milk and distribution stations therefore, providing a building uses for such processing and/or distribution shall be at least 100 feet from any R-District.

(F) Advertising signs subject to the provisions of §§ 155.181 through 155.184.

(G) Warehouses for the storage of merchandise and materials, trucking or motor freight stations or terminals, carting, expressing, or hauling establishments, contractor and building material yards, providing no such uses are conducted within 200 feet of any R-District.

(H) Public utility and communications buildings and structures, including storage yards.
(Ord. 1-2006, passed 2-13-2006)

§ 155.121 SPECIAL EXCEPTIONS.

Those uses listed as special exceptions for the C-3 General Business District in § 155.204 may be permitted in accordance with the provisions of §§ 155.200 through 155.203.
(Ord. 1-2006, passed 2-13-2006)

§ 155.122 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal use or special exception shall be permitted in conjunction with such use, including the following:

(A) Fall-out shelter;

(B) Accessory uses and structures as permitted and as regulated in the C-2 and such other accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any of the foregoing permitted C-3 uses.
(Ord. 1-2006, passed 2-13-2006)

§ 155.123 REQUIRED CONDITIONS.

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse, matter, or water-carried waste.

(A) All businesses, services or processing shall be conducted wholly within a completely enclosed building except for incidental display of merchandise, sale of motor vehicles, fuel, lubricants, and other fluids at service stations, loading and unloading operations, parking and the outdoor display or storage of vehicles, materials and equipment.

(B) No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any A or R- District, and any space used for loading and unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any A or R-District.
(Ord. 1-2006, passed 2-13-2006)

§ 155.124 PROHIBITED USES.

(A) Schools, hospitals, clinics, and other institutions for human care; provided, however, that any of the aforesaid uses legally existing in the C-3 District at the time of the adoption of this chapter or any amendment thereof, shall not be classified as a non-conforming use.

(B) No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of this chapter and any additional conditions or requirements prescribed by the Commission is, or may become, hazardous, noxious, or offensive due to emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, heat frequency, refuse matter or water-carried waste.

(Ord. 1-2006, passed 2-13-2006)

§ 155.125 HEIGHT REGULATIONS.

No principal structure shall exceed three stories or 45 feet and no accessory structure shall exceed the height of the principal structure except as provided in §§ 155.235 and 155.236.

(Ord. 1-2006, passed 2-13-2006)

§ 155.126 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall apply except as provided in §§ 155.240 through 155.242, 155.245 and 155.246.

	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Front Yard Depth</i>	<i>Minimum Side Yard Width</i>	<i>Minimum Rear Yard Depth</i>
	<i>Sq. Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
Non-Residential Uses	None	None	45	None; except when adjoining an A or R-District, then not less than 30 feet	35
Residential uses - Not permitted					

(Ord. 1-2006, passed 2-13-2006)

*M-1 LIGHT INDUSTRIAL DISTRICT***§ 155.130 PRINCIPAL PERMITTED USES.**

No buildings, use, structure or land shall be erected, altered, enlarged, or permitted which is arranged or designed for other than one of the following uses, except as provided herein and in § 155.040.

(A) Any use permitted and as regulated in the C-3 Districts except as herein modified, except all residential uses are prohibited.

(B) The rendering of service or the manufacturing, compounding, processing, packaging and assembling of products such as:

- (1) Beverages, non-alcoholic;
- (2) Boat-building and repair of pleasure craft and other small craft, but not including shipbuilding or ship repair;
- (3) Bottling works, beverage;
- (4) Buses, bus bodies;
- (5) Cameras and other photographic equipment and supplies;
- (6) Canvas and canvas products;
- (7) Ceramic products such as pottery and small glazed tile;
- (8) Electric appliances such as lighting fixtures, items, fans, toasters and electric toys;
- (9) Electrical equipment assembly such as home radio and television receivers and home movie equipment, but not including electrical machinery;
- (10) Electrical supplies, manufacturing and assembly of, such as wire and cable assembly, switches, lamps, insulation and dry cell batteries;
- (11) Fur goods, not including tanning or dyeing;
- (12) Glass products from previously manufactured glass;

- (13) Hair, felt, and feather products (except washing, curing and dyeing);
- (14) Hat bodies of fur and wool felt;
- (15) Hosiery;
- (16) Ice, dry, and natural;
- (17) Ink mixing and packaging and inked ribbons;
- (18) Leather products, including shoes and machine belting;
- (19) Luggage;
- (20) Meat products;
- (21) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing and heat treatment;
- (22) Metal stamping and extrusion of small products such as costume jewelry, pins, and needles, razor blades, bottle caps, buttons and kitchen utensils;
- (23) Musical instruments;
- (24) Orthopedic and medical appliances such as artificial limbs, braces, supporters, and stretchers;
- (25) Paper products, small, such as envelopes and stationery, bags, boxes, tubes, and wallpaper printing;
- (26) Perfumes and perfumed soaps, compounding only;
- (27) Pharmaceutical products, compounding only;
- (28) Precision instruments such as optical, medical and drafting;
- (29) Products from finished materials, including plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semiprecious stones, rubber, shell or yarn;
- (30) Rubber products, small and synthetic treated fabrics, (excluding all rubber and synthetic processing) such as washers, gloves, footwear, bathing caps, and atomizers;

- (31) Silverware, plate and sterling;
 - (32) Soap, and detergents, packaging only;
 - (33) Sporting and athletic equipment such as balls, baskets, cues, gloves, bats, racquets and rods;
 - (34) Statuary, mannequining, figurines, and religious and church art goods, excluding foundry operations;
 - (35) Textiles, including spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread and cordage, but not including textile bleaching;
 - (36) Tools and hardware such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, and house hardware, locks, non-ferrous metal castings and plumbing appliances;
 - (37) Toys;
 - (38) Umbrellas;
 - (39) Upholstering (bulk), including mattress manufacturing, rebuilding, and renovating;
 - (40) Vehicles, children's such as bicycles, scooters, wagons and baby carriages;
 - (41) Wood products, such as furniture boxes, crates, baskets, and pencils and cooperage works.
- (C) Any other business or industry which is determined by the Commission to be of the same general character as the above principal permitted uses, but not including any use which is first permitted or which is not permitted in the M-2 District except as modified herein.
- (D) Any retail business or service establishment determined by the Commission to have been clearly demonstrated as necessary to serve the needs of the industrial area, including restaurants, cocktail lounges, motels, banks and business or professional offices.
- (E) Industrial park.
(Ord. 1-2006, passed 2-13-2006)

§ 155.131 SPECIAL EXCEPTIONS.

Those uses listed as special exceptions for the M-1 Light Industrial District in § 155.204 may be permitted in accordance with the provisions of §§ 155.200 through 155.203.
(Ord. 1-2006, passed 2-13-2006)

§ 155.132 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal use or special exception shall be permitted in conjunction with such use.

(A) Fall-out shelter.
(Ord. 1-2006, passed 2-13-2006)

§ 155.133 REQUIRED CONDITIONS.

Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste.
(Ord. 1-2006, passed 2-13-2006)

§ 155.134 PROHIBITED USES.

(A) Hotels, motels, residential uses or dwellings, mobile home parks, schools, hospital, clinics, and other institutions for human care; provided, however, that any of the aforesaid uses legally existing in this M-1 District at the time of the adoption of this chapter or any amendment thereto, shall not be classed as a non-conforming use.

(B) No use shall be permitted or authorized to be established or maintained which, when conducted under adequate conditions and safeguards, in compliance with the provisions of this chapter and any additional conditions or requirements prescribed by the Commission is, or may become hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, heat frequency, refuse matter or water-carried waste.
(Ord. 1-2006, passed 2-13-2006)

§ 155.135 HEIGHT REGULATIONS.

No structure shall exceed three stories or 50 feet except as provided in §§ 155.235 and 155.236. (Ord. 1-2006, passed 2-13-2006)

§ 155.136 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall apply except as provided in §§ 155.240 through 155.242, 155.245 and 155.246.

	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Front Yard Depth</i>	<i>Minimum Side Yard Width</i>	<i>Minimum Rear Yard Depth</i>
	<i>Sq. Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
Non-Residential Uses	None	None	55	None; except when adjoining an A or R-District, then not less than 50 feet	40
Residential Uses - Prohibited					

(Ord. 1-2006, passed 2-13-2006)

M-2 GENERAL INDUSTRIAL DISTRICT

§ 155.140 PRINCIPAL PERMITTED USES.

No building, structure or land shall be erected, altered, enlarged or used which is arranged or designed for other than one of the following uses, except as provided herein and in § 155.040.

(A) Any use permitted and as regulated in the M-1 District except as modified herein.

(B) Provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any A or R-Districts.

(1) Welding or other metal working shop, excluding punch presses over 20 tons rated capacity, drop hammers and other noise-producing machine-operated tools; machine shops;

(2) Foundry, casting lightweight nonferrous metals, or electric foundry not causing noxious fumes or odor;

(3) Bag, carpet, rag cleaning, providing necessary equipment is installed and operated for the effective precipitation or recovery of dust;

(4) Ice manufacturing and cold storage plant; creamery and bottling plant.

(C) The following uses when located not less than 200 feet from any A or R-District.

(1) Inflammable liquids, underground storage only, not to exceed 25,000 gallons;

(2) Building material sales yards including concrete mixing; lumber yards including millwork, open yards for storage, sale of feed and/or fuel and contractor's equipment storage.

(D) The following uses are permitted when located not less than 300 feet from any A or R-District, and not less than 100 feet from any other district.

(1) Acetylene manufacturing in excess of 15 pounds pressure per square inch;

(2) Asphalt plant;

(3) Automobile assembly;

(4) Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presser over 20 tons rated capacity;

(5) Candle manufacturing;

(6) Charcoal and fuel briquettes;

(7) Electric central station power and steam generating plants;

(8) Film, photographic;

(9) Flour, feed, and grain, milling and processing;

(10) Grain drying or poultry feed manufacturing from refuse, mash or grain;

(11) Meat packing; but not including stockyards or slaughterhouses;

- (12) Paper and pulp manufacturing;
 - (13) Plaster manufacturing;
 - (14) Sandblasting or cutting;
 - (15) Sawmill, the manufacturing or excelsior, wood fiber or sawdust products;
 - (16) Stone and monument works employing power-drive tools;
 - (17) Tar or asphalt roofing or water-proofing manufacturing;
 - (18) Tar distillation or manufacturing;
 - (19) Wire or rod drawing - nut, screw, or bolt manufacturing;
 - (20) Wood pulp and fiber, reduction and processing, including paper mill operation;
- (Ord. 1-2006, passed 2-13-2006)

§ 155.141 SPECIAL EXCEPTIONS.

Those uses listed as special exceptions for the M-2 General Industrial District in § 155.204 may be permitted in accordance with the provisions of §§ 155.200 through 155.203.
(Ord. 1-2006, passed 2-13-2006)

§ 155.142 ACCESSORY USES.

Accessory uses, buildings or structures customarily incidental to any aforesaid principal use or special exception shall be permitted in conjunction with such use.
(Ord. 1-2006, passed 2-13-2006)

§ 155.143 REQUIRED CONDITIONS.

(A) Any use may be conducted in the M-2 District within or without a building or enclosure, subject only to distance requirements where applicable.

(B) All junk yards shall be enclosed by a well maintained solid fence or wall which will effectively conceal such yard from adjoining property, streets and highways but, in any case, not less than six feet high.
(Ord. 1-2006, passed 2-13-2006)

§ 155.144 PROHIBITED USES.

Same as specified in the M-1 District.
(Ord. 1-2006, passed 2-13-2006)

§ 155.145 HEIGHT REGULATIONS.

Within 200 feet of any A or R-District, no structure shall exceed three stories or 50 feet in height, and no structure in any case shall exceed in height the distance measured to the center line of any adjoining street; except as provided in §§ 155.235 and 155.236.
(Ord. 1-2006, passed 2-13-2006)

§ 155.146 LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall apply except as provided in §§ 155.240 through 155.242, 155.245 and 155.246.

	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Front Yard Depth</i>	<i>Minimum Side Yard Width</i>	<i>Minimum Rear Yard Depth</i>
	<i>Sq. Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
Non-Residential Uses	None	None	55	None; except when adjoining an A or R-District, then not less than 50 feet	1 story; 40 ft.; 2 stories; 50 ft.; 3 stories; 60 ft.; 5 feet more each additional story
Dwellings or other residential uses are not permitted					

(Ord. 1-2006, passed 2-13-2006)

PERFORMANCE STANDARDS

§ 155.150 GENERAL REQUIREMENTS.

No land or structure, in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard, including potential hazards, noise or vibration; smoke, dust, odor, or other form of air pollution, heat, cold, dampness, electrical, or other substance, condition or element (referred to herein as dangerous or

objectionable elements); in such manner or in such amount as to adversely affect the adjoining premises or surrounding area; provided that any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the provisions of this Section limiting dangerous and objectionable elements provided, however, this section shall not apply to customary and reasonable agriculture uses.

(Ord. 1-2006, passed 2-13-2006)

§ 155.151 EXISTING USES.

(A) Whenever it is alleged that a use of land or structure creates or otherwise produces dangerous or objectionable elements, the Zoning Inspector shall make an inspection of the matter and shall forward a decision to all parties concerned. Should this decision be appealed to the Board, the Board shall request the Town Council to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of said dangerous or objectionable elements and of practical means of remedying such condition.

(B) Upon receipt of the findings and recommendations of such specialist or laboratory, the Board may approve, partial approve, or disapprove the measures recommended therein and instruct the Zoning Inspector to proceed with the enforcement of said measures in accordance with the provisions of §§ 155.250 through 155.255 and 155.999.

(C) The Town of Cambridge City shall bear the costs of the various tests, consultant fees or other investigations which are required herein; provided, however, that the owner of the property under investigation shall reimburse the Town of Cambridge City for all such expenses in the event that operation of use of said property is found to be in violation of the provisions of this section by the Board, or, if contested, by a court of competent jurisdiction. Such reimbursement shall be made within 30 days from the date of the final Board ruling or court judgment.

(Ord. 1-2006, passed 2-13-2006)

§ 155.152 CERTAIN NEW USES.

(A) Applications for building permits or zoning certificates, together with plans and specifications for the manufacture or processing of materials listed in division (B) below, and of such other uses which may be of similar character, in the opinion of the Zoning Inspector, shall be referred by him to the Board. The Board, in cases where indicated shall cause such plans and specifications to be examined by competent specialist or laboratory in the manner prescribed in § 155.151.

(B) The following uses shall be subject to such performance standard review:

(1) Manufacturing process involving primary production or the following products from raw materials; asphalt, cement, charcoal, and fuel briquettes; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of explosive nature, potash, plastic materials, and synthetic resins, pyroxylin, rayon yarn and hydrochloric, nitric, phosphoric, picric, and sulfuric acids; coal, coke, and tar products, explosives, fertilizers, gelatin, animal glue and size; gas manufacturing; unless incidental to a principal use; turpentine, matches, rubber, soaps, fat rendering.

(2) Processing involving the following; nitration of cotton or other materials; magnesium foundry, reduction, refining, smelting of metal or metal ores; refining of petroleum products, such as gasoline, kerosene, naphtha, curing or tanning of raw, green or salted hides or skins; melting and alloying of metals; stockyards, slaughter houses, except for poultry; slag piles, storage or fireworks or explosives, except where incidental to a permitted principal use.

(C) Any use authorized under the provisions of this section shall comply continually therewith and shall remedy any additional dangerous or objectionable elements which may develop in the course of its operation.

(D) The applicant shall bear the actual costs of all tests and investigations required under this section, which shall be in addition to the usual fees prescribed by this chapter.
(Ord. 1-2006, passed 2-13-2006)

OFF-STREET LOADING AND PARKING REGULATIONS

§ 155.160 OFF-STREET LOADING SPACE.

(A) In any district in connection with any building or part thereof, hereafter erected or altered, which is to be occupied by industrial, warehousing, wholesale commercial , retail commercial , service, or other uses requiring the receipt or distribution by truck of materials or merchandise, there shall be provided and maintained off-street loading space in accordance with the following schedule:

<i>Floor Area of Building Square Feet</i>	<i>Required Number of Off-Street Loading Spaces</i>
Less than 10,000	0
10,000 to 19,999	1
20,000 to 39,999	2
40,000 to 59,999	3

Cambridge City - Land Usage

<i>Floor Area of Building Square Feet</i>	<i>Required Number of Off-Street Loading Spaces</i>
60,000 to 79,999	4
80,000 to 99,999	5
Where the floor area of the building is 100,000 feet or more the number of off-street loading spaces shall be determined by the Board.	

(B) Each loading space shall be not less than 10 feet in width, 25 feet in length and 14 feet in height.

(C) Loading space shall be on the same lot with the building they are intended to serve and may occupy all or any part of any required yard, provided no such space shall be closer than 50 feet from any other lot located in any R-District unless wholly within a completely enclosed building or enclosed on all sides by wall maintained wall or uniformly painted solid board fence not less than six feet in height.

(D) There shall be adequate provision for ingress or egress. Where a lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the loading spaces required hereunder; such access drive shall not be less than 18 feet in width, and shall not be located in any R-District except where provided in connection with a use permitted in an R-District.

(Ord. 1-2006, passed 2-13-2006)

§ 155.161 ACCESSORY OFF-STREET PARKING SPACE.

(A) In all districts, in connection with every residential, office, retail commercial, service, wholesale commercial, industrial, institutional, recreational, or other use, there shall be provided, at the time any use and/or building or structure is erected or enlarged, or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein. Such spaces may be provided either in garages or parking areas conforming with the provisions of this chapter.

(B) Accessory off-street parking spaces shall be located in the same or a less restricted district as those in which the principal use is permitted; provided, however, that the Commission may authorize, as a special exception subject to the provisions of §§ 155.200 through 155.204, the establishment and operation of accessory off-street parking facilities in such sections of any R-District which abut either directly or across an alley, any C or M-District subject to the following requirements:

(1) Such parking area shall be accessory to one or more business or industrial establishments located in said adjoining C or M-District;

(2) Each entrance and exit of such parking area shall be distant at least 20 feet from any adjacent lot in any R-District;

(3) No sign of any kind shall be established and maintained on such parking area except signs used for the direction of traffic;

(4) No motor vehicle repair work or other service shall be conducted on such parking area;

(5) Such parking area shall be subject to all applicable requirements of this section and to any additional requirements of conditions which may be determined necessary by the Commission for the protection of adjacent property.

(Ord. 1-2006, passed 2-13-2006)

§ 155.162 NUMBER OF PARKING SPACES REQUIRED.

(A) The number of off-street parking spaces required shall be as set forth in the following:

<i>USES</i>	<i>PARKING SPACES REQUIRED</i>
Bowling alleys	5 for each alley
Churches, auditoriums, theaters, arenas, dance and assembly halls	1 for each 8 seats or 100 square feet of floor space, whichever is greater
Dwellings - One-, two- and multi-family	1 for each family or dwelling unit
Funeral home	4 for each parlor; 1 for each 50 square feet of floor area, whichever is greater
Hospitals	1 for each 4 beds
Hotels	1 for each 2 bedrooms
Libraries, museums, art galleries and similar cultural facilities	1 for each 500 square feet of floor area
Medical or dental clinics	1 for each 200 square feet of floor area
Mobile home parks	1 for each mobile home space plus 1 additional for each 4 spaces
Motels	1 for each living or sleeping room
Restaurants, beer parlors, and night clubs, over 500 square feet in area	1 for each 200 square feet of floor area
Retail businesses, service establishments and offices under 2,000 square feet in floor area	1 for each 400 square feet of floor area

Cambridge City - Land Usage

<i>USES</i>	<i>PARKING SPACES REQUIRED</i>
Schools	1 for each 3 faculty and staff members plus 1 for each 10 students at the high school or college level
Wholesale, commercial, warehousing manufacturing and industrial uses	1 for each 3 employed on the maximum shift or for each 3,000 square feet of floor area, whichever is greater

(B) In the case of any building, structure, or premise, the use of which is not specifically mentioned herein the provisions for a use which is so mentioned and to which said use is similar shall apply.

(C) For the purpose of this section, the following units of measurements shall apply:

(1) In the case of offices, merchandising or service types of uses, **FLOOR AREA** shall mean the gross floor area used or intended to be used by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for the display or sale of merchandise. It shall not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing or packing of merchandise, for show windows, for offices incidental to the management of maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.

(2) In hospitals, bassinets shall not be counted as beds.

(3) In places of public assembly in which patrons or spectators occupy benches, pews, or other such seating facilities, each 20 inches of such seating facilities shall be counted as one seat.

(D) Whenever on any lot or in any building there is a change in use or an increase in floor area or in the number of employees or other unit of measurement herein before specified for the determination of required off-street parking spaces, additional off-street parking facilities shall be provided on the basis of the increased requirements of the new use or other unit of measurement; provided, however, that in case such change in use creates a need for increase in off-street parking spaces of less than 10% of the parking facilities previously required, no additional parking facilities shall be required.

(E) Nothing in the section shall be constructed to prevent collective provision of accessory off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; and further provided that the requirements set forth in § 155.163 as to the maximum distances between parking areas and establishments served shall apply to each such establishment participating in the collective provision of parking.

(Ord. 1-2006, passed 2-13-2006)

§ 155.163 STANDARDS FOR ACCESSORY OFF-STREET PARKING.

(A) Each off-street parking space shall have an area of not less than 180 square feet exclusive or access drives or aisles and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be less than 1,000 square feet in area.

(B) There shall be adequate provision for ingress and egress. Where a lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking areas or spaces required hereunder; such access drive shall not be less than eight feet in width in the case of a dwelling and not less than 18 feet in width in all other cases; provided, however, that one-way aisles for either egress or ingress for uses other than dwellings may be reduced to not less than ten feet in width. Such access drives shall not be located in any R-District except where provided in connection with a use permitted in an R-District.

(C) Accessory off-street parking facilities shall be located as hereinafter specified; where a distance is specified such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building such facility is required to serve.

(1) For one- and two-family dwellings – on the same lot with the building they are required to serve;

(2) For office, retail commercial, service, institutional and other residential uses – not more than 300 feet from the building they are required to serve;

(3) For all other uses – no more than 1,000 feet from the building they are intended to serve.
(Ord. 1-2006, passed 2-13-2006)

§ 155.164 DEVELOPMENT AND MAINTENANCE OF OFF-STREET PARKING AREAS.

Every lot hereinafter used as a public or private parking area including a public parking lot as well as motor vehicle and trailer sale lots shall be developed and maintained in accordance with the following requirements:

(A) Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces institutional premises or premises situated in any R-District by a masonry wall or solid fence. Such wall or fence shall not be less than four feet in height and shall be maintained in good condition. Where the capacity of the parking area exceeds 30 vehicles, it shall be screened by a masonry wall of at least the height herein above prescribed.

(B) No part of any parking area for more than five vehicles shall be closer than ten feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot unless screened

by an unpierced masonry wall; provided, however, that parking areas for 25 or more automobiles or for trucks and buses shall not have an entrance or exit for vehicles within 200 feet along the same side of the street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

(C) Any off-street parking area for more than five vehicles shall be surfaced with an asphaltic or Portland cement binder pavement so as to provided a durable, dustless surface; shall be so graded and drained as to dispose of all surface water accumulated within the area; and shall be so arranged and marked as to provide for orderly and safe loading and unloading and parking and storage of self-propelled vehicles.

(D) Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises.

(Ord. 1-2006, passed 2-13-2006)

§ 155.165 MODIFICATIONS.

The Board may, on, appeal, authorize a modification, reduction, or waiver of the foregoing requirements if it should find that, in the particular cases appealed, the peculiar nature of the residential, office, retail commercial, service, wholesale commercial, industrial, institutional, recreational, or other use, or the exceptional shape or size of the property or other exceptional situation and condition would justify such an action.

(Ord. 1-2006, passed 2-13-2006)

MOBILE HOMES AND MOBILE HOME PARKS, MOTELS AND MOTOR HOTELS

§ 155.170 GENERAL REQUIREMENTS.

The regulations prescribed by the State Board of Health or other authority having jurisdiction and as may be otherwise required by law, shall be complied with, in addition to the following regulations.

(A) Mobile home parks shall comply with all area and yard requirements prescribed herein; motels shall also comply with all area and yard requirements prescribed for such uses in the district in which located.

(B) The buildings, cabins and mobile homes in any tourist camp, mobile home park, or motel, together with any non-accessory buildings already on the lot, shall not occupy in the aggregate more than 25% of the area of the lot.

(C) All areas used for automobile access and parking shall comply with the applicable provisions of this chapter.

(D) No vehicular entrance to or exit from any mobile home park or motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.

(E) All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten feet in width shall be established and maintained within the mobile home park along its exterior boundaries. Such strip of land shall be planted with coniferous or evergreen trees or a privacy-type fence, not less than six feet in height and properly maintained shall be constructed.

(F) Tie downs sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. At a minimum such anchorage shall consist of:

(1) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring only one additional tie per side;

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) Any additions to the mobile home be similarly anchored.
(Ord. 1-2006, passed 2-13-2006)

§ 155.171 ENLARGEMENT.

No enlargement or extensions to any motel, mobile home park or a tourist camp shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

(Ord. 1-2006, passed 2-13-2006)

§ 155.172 MOBILE HOME RESTRICTIONS.

(A) The placement of manufactured or mobile homes outside of manufactured home or mobile home parks is as follows:

(1) Manufactured home Type I, is permitted in all zone districts that permit a residence.

(2) Manufactured home Type II and Type III and mobile homes are permitted only by special exception as outlined in §§ 155.200 through 155.204.

(3) The parking of an unoccupied manufactured or mobile home in a accessory private garage, or in a rear yard, in any district, shall be permitted, providing no living quarters are maintained or any business conducted in such unit while so parked or stored, further providing that a maximum of 90 days will be allowed for outside storage of such manufactures or mobile home.

(B) Emergency or temporary stopping or parking of a mobile home shall be permitted on any street, alley or highway for not longer than four hours, subject to any other and further prohibitions, regulations, or limitation imposed by the traffic and parking regulations or laws for such streets, alley or highway.

(C) In any mobile home park, the wheels of any mobile home shall not be removed except for repairs, nor shall any mobile home be otherwise permanently fixed to the ground in a manner that would prevent its removal.

(Ord. 1-2006, passed 2-13-2006)

§ 155.173 MOBILE HOME PARKS; SUBMISSION OF PLANS.

An application for the establishment of a mobile home park in a district where a mobile home park is permitted, shall be filed with the Zoning Inspector and must be accompanied by a scale drawing certified by a registered engineer or surveyor. Such drawing shall contain the following information:

(A) Accurate dimensions of the proposed mobile home park;

(B) All roads and approaches and the method of ingress and egress;

(C) The complete electric service installation, wire service outlets and lighting facilities;

(D) The complete location of any natural gas facilities to serve the mobile home park;

(E) A complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof;

(F) The location of electrical power of gas distribution systems, water mains or wells for water supply outlets for domestic water users; location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers, or septic tanks, sewer drain lines, leeching beds, and other buildings or structure contemplated to be used by such applicant in connection with said mobile home park. (Ord. 1-2006, passed 2-13-2006)

§ 155.174 MOBILE HOME PARKS; REQUIREMENTS.

Mobile home parks shall be designed and maintained in accordance with the following requirements:

(A) The minimum park area shall be two acres.

(B) The minimum area of a mobile home unit space within the mobile home park shall be 3,000 square feet.

(C) The minimum width of a mobile home unit space within the mobile home park shall be 40 feet.

(D) Each mobile home park shall abut upon a public street and each mobile home unit space shall have direct access to a private, hard surface drive.

(E) The minimum distance for each mobile home from the exterior property lines shall not be less than 50 feet.

(F) The minimum distance between neighboring mobile homes shall be not less than 20 feet.

(G) Each mobile home unit space shall be equipped with concrete slab of sufficient size to support the wheels and the front parking jack. Such slabs shall have a minimum thickness of four inches.

(H) Each mobile home space shall be equipped with one electric outlet. A sanitary system and water system shall be installed in accordance with applicable county and state specifications, and each mobile home unit space shall be served by such sewer and water systems.

(I) The minimum roadway width of interior one-way streets with parking permitted on one side shall be 20 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 26 feet. The minimum width of two-way street without parking permitted shall be 20 feet. Such streets shall be paved according to Wayne County's specifications for residential streets, maintained in good condition, and lighted at night.

(J) There shall be provided within each mobile home park an adequate site or sites for recreation, for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of 100 square feet for each mobile home unit space. The recreation sites shall be appropriate design and provided with appropriate equipment.

(K) No mobile home shall remain in a mobile home park for a period exceeding five days without connection to the sanitary sewer system and water system of the park.
(Ord. 1-2006, passed 2-13-2006)

§ 155.175 PROCEDURE FOR ADDITIONAL REQUIREMENTS.

(A) In addition to the foregoing, the Board of Zoning Appeals may impose such other conditions, requirements, or limitations concerning the design, development, and operation of such mobile home parks as it may deem necessary for the protection of adjacent properties and the public interest.

(B) The term *MANUFACTURED HOME and/or MOBILE HOME* as defined and used in this chapter have the same connotation.
(Ord. 1-2006, passed 2-13-2006)

SIGN REGULATIONS

§ 155.180 SIGNS.

The provisions contained herein shall constitute the minimum acceptable standards for the control of outdoor advertising signs, displays, and devices where permitted.
(Ord. 1-2006, passed 2-13-2006)

§ 155.181 ADVERTISING SIGNS.

(A) Areas where advertising signs are permitted:

(1) In A-1 Agricultural zone;

(2) In C-2 Community Business, C-3 General Business, M-1 Light Industrial and M-2 General Industrial zoned areas;

(3) In C-1 Neighborhood Business District as a special exception in accordance with the provisions of §§ 155.200 through 155.204.

(B) *Setback requirements:*

(1) In A-1 Agricultural District adjacent to the interstate and federal aid primary system, 660 feet from right-of-way;

(2) In A-1 Agricultural District adjacent to other than interstate and federal aid primary system, 50 feet from the right-of-way.

(3) In A-1 Agricultural District all sign structures shall be located at least 20 feet from adjoining property lines;

(4) In Commercial and Industrial Districts the minimum setback from established right-of-way lines and adjoining property lines shall be as far as the requirements for a principal building in the district where located.

(C) *Space of signs:*

(1) No advertising sign structure shall be permitted within 300 feet of any building used as a residence or any Resident District.

(2) No advertising sign or structure shall be within 500 feet of any of the following: public park entrance, public or parochial school, library, church, any museum or historical monument, any safety rest or recreation area, any sanitary or other facility for the accommodation of the motorist, publicly owned, controlled and maintained.

(3) On the interstate and limited access highway:

(a) No sign structure shall be erected within 500 feet of another sign structure on the same side of the highway.

(b) No sign structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or rest areas, said 500 feet to be measured along the interstate or limited access highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

(4) On other routes of the federal aid primary system, no sign structure shall be erected within 300 feet of another sign structure on same side of the highway.

(5) Official and on premises signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

(6) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

(D) *Size of signs:*

(1) In A-1 Agricultural District if the sign structure is beyond 660 feet of the right-of-way of interstate and federal aid primary system the maximum area for any one advertising sign shall be 2,000 square feet exclusive of any border, trim, base, supports, etc. The height shall not exceed 30 feet and the length shall not exceed 80 feet.

(2) The maximum area for any one advertising sign in other areas adjacent to interstate and federal aid primary systems where permitted, shall be 1,000 square feet exclusive of any border, trim, base, support, etc. The maximum height 25 feet and the maximum length 60 feet.

(3) The maximum size of advertising signs where permitted adjacent to highways other than the Interstate and federal aid primary systems shall not exceed 600 square feet exclusive of any border, trim, base, support, etc. The sign shall not exceed 25 feet in height and 50 feet in length.

(4) The sign structure may contain one or two advertisements per facing, not to exceed the maximum area.

(5) Double faced structures will be permitted with the maximum area being allowed for each facing.

(E) *Lighting:*

(1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(2) Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways, and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any drivers operation of a motor vehicle, are prohibited.

(3) No sign shall be so illuminated as to obscure or interfere with the effectiveness of an official traffic sign, device or signal.

(4) All other Indiana laws relating to lighting of signs presently applicable to highways shall be met.

(Ord. 1-2006, passed 2-13-2006)

§ 155.182 BUSINESS SIGNS.

(A) Exterior business signs shall not exceed in the aggregate three square feet of area for each linear foot of lot frontage.

(B) *Location:*

(1) Exterior business signs, where permitted, shall be integral with or attached to the principal building and shall not project more than two feet from the front thereof unless attached to a marquee or sidewalk canopy, nor more than three feet above the parapet wall or roof line except as provided in division (C) below.

(2) In the case of a principal use involving no building or structure exterior business signs, where permitted, shall be set back from right-of-way line of any street at least one-half as far as the required front yard depth for a principal building in the district where located. They shall not be located within less than 25 feet of the side of any adjacent lot in any R-District, and shall not project above a horizontal plane 20 feet above the average level of the ground at the front lot line; except as provided in division (C) below.

(C) For any motor vehicle service station, motel, restaurant, or planned commercial development where these are permitted, an exterior business sign displaying only the identifying name or symbol of such use or the planned commercial development as a whole may be supported on a freestanding structure located in front of such use or development but such sign shall not project over the street line and shall not be located within 25 feet of the side lot line of any adjoining lot in any R-District. Such freestanding or pedestal signs shall not exceed 125 feet in height and 300 square feet in area.

(D) On premise signs means those signs advertising an activity conducted or maintained on the property on which they are located.

(Ord. 1-2006, passed 2-13-2006)

§ 155.183 REAL ESTATE SIGNS.

Real estate signs advertising the sale, rental or lease of the premises on which they are maintaining shall be set back from the right-of-way line of any street at least one-half the depth of the required front yard in the districts where located provided, however, that such sign shall not exceed six square feet in area and when attached flat against the building to which it pertains shall be permitted in any case. Such real estate signs on any one lot shall not exceed in the aggregate, 15 square feet in area.

(Ord. 1-2006, passed 2-13-2006)

§ 155.184 PROFESSIONAL OR ANNOUNCEMENT SIGNS AND INSTITUTIONAL BULLETIN BOARDS.

Professional or announcement signs accessory to a home occupation dwelling shall not exceed one square foot in area. A church, school, community center, or other public or institutional building may have for its own use a bulletin board not over 12 square feet in area, which, if not attached flat against a building, shall be at least ten feet distant from all street right-of-way line.

(Ord. 1-2006, passed 2-13-2006)

EXTRACTION OF MINERALS**§ 155.190 PROCEDURES, APPLICATION AND PUBLIC HEARING.**

(A) Any owner, lessee, or other person, firm or corporation having an interest in mineral resources within lands where the extraction or mining of such minerals is not prohibited under the provision of § 155.032 may file with the Board of Zoning Appeals an application for authorization to extract minerals therefrom.

(B) An application for such operation shall set forth the following information:

- (1) Name of the owner or owners of the land from which removal is to be made;
- (2) Name of applicant making request for such a permit;
- (3) Name of the person or corporation conducting the actual removal operation;
- (4) Location, description, and size of the area from which the removal is to be made;
- (5) Location of processing plant used;
- (6) Type of resources or materials to be removed;
- (7) Proposed method of removal and whether or not blasting or other use of explosives will be required;

(8) Description of equipment to be used;

(9) Method of rehabilitation to be used.

(C) Upon receipt of such application, the Board of Zoning Appeals shall set the matter for a public hearing in accordance with § 155.222.

(Ord. 1-2006, passed 2-13-2006)

§ 155.191 GENERAL REQUIREMENTS.

(A) Structures and equipment, their use and operation shall comply with all requirements of the district in which said property is located.

(B) No quarrying operation shall be carried on or any stock pile placed closer than 75 feet to any property line, unless a greater distance is specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to 50 feet by written consent of the owner or owners of the abutting property.

(C) In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 75 feet to the nearest line of such right-of-way.

(D) Fencing shall be erected and maintained around the entire site or portion thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the County Highway Supervisor.

(E) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.

(F) The crushing, washing, and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use regulations of the district in which the operation is located, and shall not be located within 200 feet of any boundary of the site.

(Ord. 1-2006, passed 2-13-2006)

§ 155.192 REHABILITATION; BOND.

To guarantee the restoration, rehabilitation and reclamation of mined-out areas, every applicant granted a mining permit as herein provided shall furnish a performance bond running to Town of Cambridge City as a guarantee that such applicant, in restoring, reclaiming and rehabilitation such land, shall within a reasonable time and to the satisfaction of the Cambridge City Town Council, meet the following minimum requirements:

(A) All excavation shall be made either to a water producing depth, such depth to be not less than five feet below water mark, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids, to secure:

(1) That the excavated area shall not collect and permit to remain therein stagnant water; or

(2) That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

(B) Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.

(C) The banks of all excavations not back-filled shall be sloped to the waterline at a slope which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

(Ord. 1-2006, passed 2-13-2006)

§ 155.193 ADDITIONAL REQUIREMENTS.

In addition to the foregoing the Board of Zoning Appeals may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Board of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Board of Zoning Appeals prior to issuance of the permit.

(Ord. 1-2006, passed 2-13-2006)

SPECIAL EXCEPTIONS**§ 155.200 DETERMINATION BY BOARD OF ZONING APPEALS.**

Special exceptions may be permitted by the Board of Zoning Appeals after public hearing, only in accordance with procedures set forth in this section and the requirements listed herein. No special exception shall be granted unless the Board shall have first found that the public convenience and welfare will substantially be served and that the proposed use will not be unduly detrimental to the surrounding area. In the exercise of its approval the Board may impose such additional conditions regarding the location, character and other features of the proposed building or structure or use as it may deem advisable in the furtherance of the purpose of this chapter.

(Ord. 1-2006, passed 2-13-2006)

§ 155.201 FILING PROCEDURE.

Special exceptions filing procedures. A petition for a special exception shall be filed with the Plan Administrator upon such form and accompanied by such information as shall be established by the Board. The Plan Administrator shall then proceed to process the application. The Board shall then proceed with a hearing in accordance with the provisions of this chapter.

(Ord. 1-2006, passed 2-13-2006)

§ 155.202 CONFORMANCE REQUIREMENTS.

The Board may impose conditions to assure that the special exception will conform to the intent of this chapter. These conditions may include but are not limited to the provisions of the following:

- (A) Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the special exception on adjoining properties;
- (B) Refuse and service areas;
- (C) Special screening and buffering with reference to type, dimensions and character;
- (D) Signs and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the area;
- (E) Additional setback distance, yards, and open spaces;

(F) General compatibility with adjoining properties, with references to site development standards designed for their mutual protection and the environmental harmony of the area.
(Ord. 1-2006, passed 2-13-2006)

§ 155.203 CONSTRUCTION REQUIREMENTS.

Any person who is issued a special exception approval who fails to commence construction or special exception use within 12 months after such approval by the Board, may be required by the Board upon its own motion, to show why such special exception approval should not be withdrawn.
(Ord. 1-2006, passed 2-13-2006)

§ 155.204 SPECIAL EXCEPTIONS.

The following uses may be permitted by the Board in the specified zone districts.

<i>NAME OF SPECIAL EXCEPTION</i>	<i>SPECIFIED ZONE DISTRICT WHERE THE SPECIAL EXCEPTION MAY BE PERMITTED</i>
Agriculture related uses and services, animal related uses, animal husbandry and services on lots less than 5 acres and processing of products grown on premises, seed and fertilizer sales and distribution, livestock sales yards and building, truck terminals for livestock, custom slaughter facilities, grain elevators	A-1
Airport or heliport (public or private) subject to applicable state and federal regulations	A-1, R-1, R-2, C-1, C-2, C-3, M-1, M-2
Artificial lake other than farm pond	A-1
Art galleries	R-1, R-2
Auditorium, stadium, baseball park, arena, gymnasium, and other places for public events	A-1, C-2, C-3, M-1, M-2
Boat livery	A-1
Business office	C-1
Camp	A-1
Camping grounds	A-1
Cemeteries, crematories, mausoleums	R-1, R-2, C-1, C-2, C-3, M-1, M-2
Clinics, medical and dental	R-2

<i>NAME OF SPECIAL EXCEPTION</i>	<i>SPECIFIED ZONE DISTRICT WHERE THE SPECIAL EXCEPTION MAY BE PERMITTED</i>
Clubs and lodges, non-commercial	A-1, R-1, R-2, C-1, C-2, C-3, M-1, M-2
Colleges and universities	R-1, R-2, C-1, C-2
Convents and monasteries	R-1, R-2, C-1, C-2
Country clubs and/or golf courses	R-1, R-2
Dental and medical offices	R-1, R-2
Disposal plants, sewage, garbage or refuse	A-1, M-2
Disposal sites (dump, landfill)	A-1
Dormitory	R-1, R-2, C-1, C-2
Drive-in establishment	C-1, M-1, M-2
Drive-in movie (theater)	A-1, C-1
Drive-in restaurant	C-1, M-1, M-2
Dwelling - special placement	A-1, R-1, R-2, C-1, C-2
Excavation of raw materials (gravel, sand, oil, etc.)	A-1
Family group home	A-1, R-1, R-2, C-1, C-2
Farm alcohol production	A-1
Fire stations or police stations as public utility	A-1, R-S, R-1, R-2, C-1, C-2, C-3, M-1, M-2
Foundries	M-1
Fraternity or sorority houses	R-1, R-2, C-1, C-2
Funeral homes and mortuaries	R-2, C-1, C-2, C-3, M-1, M-2
Health facility	A-1, R-1, R-2, C-1, C-2
Hospital	A-1, R-1, R-2, C-1, C-2
Institution	A-1, R-1, R-2, C-1, C-2
Junk or salvage yards	M-1
Manufactured home - mobile home, emergency or temporary use	A-1, R-1, R-2, C-1, C-2, C-3, M-1, M-2
Manufactured home - mobile home park	A-1, R-2, C-1, C-2, C-3
Manufactured home - Type II, Type III or mobile home residence	A-1, R-1, R-2, C-1, C-2

Cambridge City - Land Usage

<i>NAME OF SPECIAL EXCEPTION</i>	<i>SPECIFIED ZONE DISTRICT WHERE THE SPECIAL EXCEPTION MAY BE PERMITTED</i>
Motel or motor hotel	R-2, C-1
Motor vehicle service station	C-1
Nursing homes	A-1, R-1, R-2, C-1, C-2
Personal services	R-2
Philanthropic and eleemosynary uses	A-1, R-1, R-2, C-1, C-2, C-3, M-1, M-2
Portable X-ray equipment	C-2
Professional activities	R-2, C-1
Public service oriented facilities: fairgrounds, recreation buildings, community centers	A-1, C-2, C-3, M-1, M-2
Radio, television and community antenna reception towers	A-1, R-1, R-2, C-1, C-2, C-3, M-2
Range, golf driving, rifle skeet club	A-1
Recreation development, private or non-commercial	R-1, C-1, C-2, C-3, M-1
Recreation facilities, commercial	A-1
Recreation vehicle park	A-1, C-1, C-2
Residence, single-family	C-3, M-1, M-2
Restaurant	C-1
Sanitarium, sanatorium	A-1, R-1, R-2, C-1, C-2, C-3
Schools, nursery or day	R-1, R-2, C-1, C-2
Sewers, central of group	A-1, R-1, R-2, C-1, C-2, C-3
Signs, advertising	C-1
Tourist houses, bed and breakfast, rooming and boarding houses	A-1, R-1, R-2, C-1
Utility - public utility and communication buildings necessary for furnishing services to the area but not including general offices, garages, warehouses, and telephone exchanges, bus turnarounds	A-1, R-1, R-2, C-1, C-2, C-3, M-1, M-2

(Ord. 1-2006, passed 2-13-2006)

IMMATERIAL MODIFICATION OF PRIOR EXISTING NON-CONFORMITY**§ 155.210 GENERAL REQUIREMENTS.**

(A) This section shall only apply to a lot:

(1) Whereupon there exists a non-conforming building or structure;* or

(2) Whereupon there exists a building or structure* which is designed or located upon a lot and intended for a use that does not conform to the regulations of the district or zone in which it is located, and such non-conformity exists as the result of a previously approved special exception or variance from one or more otherwise applicable development standards of this chapter (hereinafter an "approved non-conformity"). Terms appearing in this section shall have the meaning ascribed to said terms in § 155.004 unless such terms are specifically defined herein.

(a) ***IMMATERIAL MODIFICATION.***

1. As used in this section, means any proposed extension, alteration, addition to, or modification of, either:

a. A non-conforming building or structure; or

b. An approved non-conformity that, if affected, would not result in an appreciable increase in level of non-conformity of the particular lot over those conditions thereon that pre-existed the particular immaterial modification.

2. Example would include, but not be limited to, proposed additions to existing structures on lots that currently fail to possess the requisite building line setbacks or yard depths and that, after completion of the immaterial modification, would possess at least the same setbacks or yard depths with no increase in the degree of non-conformity over that which preexisted.

(B) *Procedures for initial approval of an immaterial modification.* At the time of application for an improvement location permit the Plan Administrator (the "Department") may authorize such immaterial modification as are disclosed by the applicant's plans and drawings. Such improvement location permit, if otherwise appropriate for issuance, shall be duly noted as containing one or more immaterial modifications. It shall be then held by the said Department for a period of 15 days. Within five days after receipt of the application, the Department shall send notice of the filing of the application and a brief description of the proposed development requiring the immaterial modification to all interested parties, as defined by the Rules of Procedure of the Board of Zoning Appeals. The notice shall, among other

*As used in this section, the term ***STRUCTURE***, whether or not capitalized, shall not include within its meaning a mobile home that is described in § 155.004.

things, advise the interested parties that unless specific written objections to the proposed immaterial modifications are filed with the Department within ten days from the date of mailing of the notice, the immaterial modification will be administratively granted and an improvement location permit for the project will be issued to the applicant.

(C) *Procedures for processing an objection to an immaterial modification.* Should any interested party object to any proposed immaterial modification, then the applicant shall submit the project and the requisite application for a variance or special exception to the Board of Zoning Appeals for processing according to the regular rules and procedures of said Board.

(Ord. 1-2006, passed 2-13-2006)

FARM ALCOHOL (ETHANOL) PRODUCTION

§ 155.220 APPLICATION, CONTENTS, PROCEDURE.

(A) Any owner, lessee, or other person, firm or corporation having an interest in alcohol production may file with the Board of Zoning Appeals an application for authorization to produce alcohol for fuel or as an additive to other fuels.

(B) An application for alcohol production shall include, for the Board's analysis and determination, the following information:

- (1) Name of the owner or owners of the property on which the alcohol is to be produced;
- (2) Name of applicant making request for such operation and name of person or persons to be operator;
- (3) Location, description, and size of the property on which the alcohol is to be produced;
- (4) Location of the production site;
- (5) Type of resources, and source of same, to be used in the production;
- (6) Description of equipment to be used;
- (7) Quantity proposed to produce;
- (8) Proposed use or disposal of distilled product;
- (9) Method of storage;

(10) Proposed use of by-product;

(11) Storage of by-product;

(12) All applications shall be filled as outlined in the Board of Zoning Appeals rules of procedure.

(Ord. 1-2006, passed 2-13-2006)

§ 155.221 GENERAL REQUIREMENTS.

The regulations, (federal, state or local) prescribed by any other authority having jurisdiction, and as may be otherwise required by law, shall be complied with, in addition to the following regulations:

(A) The tract of land shall be in the A-1 Agriculture Zone District.

(B) No vehicular entrance to or exit from any alcohol production site, whenever such may be located, shall be within 200 feet along roads from any school, church, hospital, or institution for dependents or for children. All access roads shall be maintained in a dust free condition.

(C) No alcohol operation or production shall be carried on or any stock pile of byproducts closer than 75 feet to any right-of-way or property line, unless a greater distance is specified by the Board of Zoning Appeals where such is deemed necessary for the protection of adjacent property.

(D) Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety.

(E) All equipment used in the processing shall be operated and maintained in such manner that the public safety will not be endangered, or impair property values within the neighborhood.

(Ord. 1-2006, passed 2-13-2006)

§ 155.222 HEARING.

(A) Upon receipt of application, the Board of Zoning Appeals shall set the case for public hearing.

(B) In the event the Board of Zoning Appeals should decide to approve the request, in addition to the forgoing, the Board of Zoning Appeals may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such alcohol production as the Board of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest.

(Ord. 1-2006, passed 2-13-2006)

LOTS OF RECORD**§ 155.230 DWELLING ON ANY LOT OF RECORD.**

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this chapter, irrespective of its area or width, the owner of which does not own any adjoining property, provided that yard spaces satisfy requirements stipulated for the district in which such lot is located, or requirements as may be modified under §§ 155.240 through 155.242.

(Ord. 1-2006, passed 2-13-2006)

HEIGHT MODIFICATIONS**§ 155.235 HEIGHT LIMITATIONS NOT APPLICABLE.**

The height limitations stipulated elsewhere in this chapter shall not apply to the following:

(A) Barns, silos, or other farm buildings or structures on farms, church spires, belfries, cupolas, domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio towers, masts and aerials, parapet walls extending not more than four feet above the limiting height of the building.

(B) Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and provided that, for each three feet by which the height of such building exceeds the minimum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

(C) Bulkheads, elevator penthouse, water tanks, monitors, and scenery lofts, provided no linear dimensions of any such structure exceeds 50% of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height.

(Ord. 1-2006, passed 2-13-2006)

§ 155.236 MINIMUM REQUIREMENTS.

All such structures above the heights otherwise permitted in the district shall not occupy more than 25% of the area of the lot and shall be distant not less than 50 feet in all parts from every lot line not a street lot line.

(Ord. 1-2006, passed 2-13-2006)

YARD MODIFICATIONS**§ 155.240 FRONT YARD MODIFICATION.**

(A) In any A or R-District, where the average depth of at least two existing front yards on lots within 100 feet on the lot in question and within the same block front is less than or greater than the least front yard depth prescribed elsewhere in this chapter, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average of the depth on the two lots immediately adjoining, or, in the case where there are no buildings on both of the lots immediately adjoining, the average depth of the front yards on lots within 100 feet of the lot in question and within the same block front; provided, however, that the depth of a front yard on any lot shall be at least ten feet and need not exceed 50 feet.

(B) In any A or R-District where the natural slope of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of 12% or less to a private garage conforming with the requirements of this chapter, such garage may be located within such front yard, but riot in any case closer than six feet from the front lot line.

(C) Buildings on lots having frontage on two non-intersecting streets need not have a rear yard, if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

(D) In those cases where the required lot width is not reached until the front building setback distance has been exceeded, then the minimum setback from any front property line, other than street right-of-ways, shall be the same as required for side line setback distance in the appropriate zoning district.

(E) In those cases where the front property line at the street-right-way does not meet minimum lot width, then the front setback line shall be at that point where the minimum is reached, provided the required setback distance has been exceeded.

(Ord. 1-2006, passed 2-13-2006)

§ 155.241 SIDE YARD MODIFICATION.

(A) Each side yard, where required, shall be increased in width by two inches, for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 40 feet.

(B) Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half the otherwise required least width; or narrower than three feet in any case.

(Ord. 1-2006, passed 2-13-2006)

§ 155.242 REAR AND SIDE YARDS.

(A) In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be; provided, however, that no side yard shall be less at any point than three feet, and no rear yard less than ten feet.

(B) Depth of a rear yard or width of each side yard for a one-family or two-family dwelling may be reduced by four inches and two inches respectively, for each foot by which a lot at the time of enactment of this chapter is less than 100 feet deep or less than 50 feet wide; provided, however, that no such side yard shall be less at any point than three feet, or, in the case of such side yard along a side street lot line, less than five feet; and further provided that no such rear yard shall be less than ten feet. The width of one side yard may be reduced when authorized by the Board, in the case of a one-family or two-family dwelling, to a width of not less than three feet, provided the sum of the widths of the two side yards is not less than the required minimum, and provided the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than the required minimum sum of the widths of two side yards; provided, however, that such reduction may be authorized only when the Board finds it warranted by the location of existing buildings or conducive to the desirable development of two or more lots.

(Ord. 1-2006, passed 2-13-2006)

YARD PROJECTIONS**§ 155.245 PROJECTION OF ARCHITECTURAL FEATURES.**

Certain architectural features may project into required yards or courts as follows:

(A) Into any required front yard, or required side yard adjoining a side street lot line.

(1) Cornices, canopies, eaves or other architectural features may project a distance not exceeding two feet, six inches.

(2) Fire escapes may project a distance not exceeding four feet, six inches.

(3) An uncovered stair and necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet in height.

(4) Bay windows, balconies, and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

(B) The above-named features may project into any required side yard adjoining an interior side lot line, a distance not exceeding one-third of the required least width of such side yard, but not exceeding three feet in any case.

(C) The features named therein may project into any required rear yards the same distances they are permitted to project into a front yard; provided, however, that landings of porches may be covered and may project a distance not exceeding ten feet but not closer than ten feet from the rear lot line.
(Ord. 1-2006, passed 2-13-2006)

§ 155.246 FENCES, WALKS AND HEDGES.

Fences, walks and hedges may be located in required yards as follows:

(A) If not exceeding at any point four feet in height above the elevation of the surface of the ground at such point, such features may be located in any yard.

(B) If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard.
(Ord. 1-2006, passed 2-13-2006)

§ 155.247 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINES IN THE LESS RESTRICTED DISTRICT.

Special rules. Special rules apply to lots located in the less restricted district where one or more of its sides border on a different zoning district, unless subject to special greater restrictions or requirements stipulated by other provisions of this chapter.

(A) Where the front, side, rear, lot line, or court, are on the dividing line, then the minimum depth and width shall equal the average of the depth and width requirements in the two districts.

(B) In the case where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum depth or width of the side yard, rear yard or court for such structure shall be determined by increasing the minimum depth or width for the highest structure permitted in such more restricted district by one foot for each two feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.

(Ord. 1-2006, passed 2-13-2006)

ZONING ADMINISTRATION

§ 155.250 ENFORCEMENT BY ZONING INSPECTOR.

There is hereby established the position of Zoning Inspector and for purposes of this chapter, the Zoning and Subdivision Administrator is designated as Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this chapter in accordance with the administrative procedures of the Town of Cambridge City and of this chapter. All departments, officials and public employees of the Town vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this chapter. Any permit or license, issued in conflict with the provisions of this chapter shall be null and void.

(Ord. 1-2006, passed 2-13-2006)

§ 155.251 APPLICATION REQUIREMENTS.

(A) Every application for an improvement location permit shall be accompanied by plans, in duplicate, drawn to scale in black line or blue print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. One copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Inspector, together with such improvement location permit as may be granted. All dimensions shown on those plans shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

(B) In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the County Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

(C) Every application shall be accompanied by a certificate of approval by the County Highway Supervisor that the proposed entrance to the highway meets all requirements for culvert and side ditch drainage.

(Ord. 1-2006, passed 2-13-2006)

§ 155.252 IMPROVEMENT LOCATION PERMIT.

(A) It shall be unlawful for an owner, lessee or tenant to begin any excavation or construction, reconstruction, extension, conversion or alteration of any building or structure until an improvement location permit shall have been issued by the Zoning Inspector. Such permit shall show that such buildings or premises or a part thereof, and the proposed use thereof, are in conformity or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this chapter. It shall be the duty of the Zoning Inspector to issue such a permit, provided he is satisfied that the structure building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all of the requirements of this chapter.

(B) An improvement location permit shall be required for any agricultural structure with an estimated cost of construction of \$500 or more.

(C) An improvement location permit shall be required for any structures used as a residence or accessory use.

(D) Only one permit will be issued for a residential structure on any parcel in single ownership.

(E) All buildings and structures for any use shall be set back from the right-of-way the minimum distance as required in the zoning district where the structure is to be located.

(F) No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this chapter.

(G) The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this chapter within ten days after they are filed in full compliance with all the applicable requirements. He shall either issue an improvement location permit within said ten days or shall notify the applicant in writing of his refusal of such permit and reasons therefor. Failure to notify the applicant in case of such refusal within said ten days shall entitle the applicant to a permit, unless the applicant consents to an extension of time.

(Ord. 1-2006, passed 2-13-2006)

§ 155.253 CERTIFICATE OF OCCUPANCY.

(A) It shall be unlawful for any owner, lessee, or tenant to occupy, use or to permit the use of any structure, building, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, or of any land when no building or structure is involved, until a certificate of occupancy shall have been issued by the Zoning Inspector, after inspection. Such certificates of occupancy shall show and certify that such building, structure or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of this chapter, and all other applicable codes or ordinance and all conditions and requirements, if any, stipulated by the Commission or other proper authority.

(B) A certificate of occupancy for a building thereafter erected, constructed, reconstructed, converted or otherwise altered, shall be applied for coincident with the application for an improvement location permit, and shall be issued within ten days after the erection or alteration of such building shall have been completed in conformity with the provisions of this Code.

(C) A certificate of occupancy for a change in use of a building, or land shall be applied for before any such building or land shall be occupied or used, and a certificate of occupancy shall be issued within ten days after application has been made provided such use is in conformity with all the provisions of this chapter.

(D) A record of all certificates of occupancy shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected.

(Ord. 1-2006, passed 2-13-2006)

§ 155.254 FEES.

(A) Fees for all original improvement location permits and certificate of occupancy permits shall be in accordance with the Cambridge City Fee Schedule Ordinance.

(B) A fee will be charged according to the Cambridge City Fee Schedule Ordinance for each application for a change in the zone district boundaries or classification of property as shown on the zone map, except those initiated by the Commission or Town Council, shall be accompanied by a check payable to the Town Clerk or a cash payment sufficient in the amount to cover the costs of publishing, posting and/or mailing notices of hearings.

(Ord. 1-2006, passed 2-13-2006)

§ 155.255 VIOLATIONS; INJUNCTIVE RELIEF.

The Plan Director may institute a suit for injunction in the Wayne County Circuit Court or Superior Court to restrain an individual or a governmental unit from violating the provisions of this chapter. The Plan Director may also institute a suit for a mandatory injunction directing an individual or a governmental unit to remove a structure erected in violation of the provisions of the chapter and if the Zoning Inspector is successful in its suit the respondent shall bear the cost of the action.

(Ord. 1-2006, passed 2-13-2006)

§ 155.256 VALIDITY.

If any section, clause, provision or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this chapter.

(Ord. 1-2006, passed 2-13-2006)

§ 155.257 ADOPTION.

This chapter shall be in force and effect from and after its passage. Passed by the Town Council of the Town of Cambridge City, Wayne County, Indiana on the 13th day of February, 2006.

(Ord. 1-2006, passed 2-13-2006)

§ 155.999 PENALTY.

(A) Any person, firm or corporation violating any provision of this chapter shall be guilty of an ordinance violation and shall be subject to a fine of \$25 (no more than \$2,500 per violation). Each and every day during which a violation is permitted to be maintained may be deemed a separate violation.

(B) Enforcement proceedings pursuant to this section shall be brought in the name of Cambridge City by the Town Attorney, or his designate.

(C) A person, firm or corporation against whom a judgement is entered pursuant to this section is liable for costs.

(Ord. 1-2006, passed 2-13-2006)

CHAPTER 156: INCORPORATED JURISDICTIONAL AREA ZONING

Section

General Provisions

- 156.001 Title
- 156.002 Identification
- 156.003 Non-interference with greater restrictions otherwise imposed
- 156.004 Definitions

Districts and Zone Maps

- 156.010 Districts
- 156.011 Zone map
- 156.012 Determination and interpretation of district boundaries
- 156.013 Procedure relating to annexed or vacated areas

Specifications

- 156.020 Use
- 156.021 Height
- 156.022 Yards, lot area and size of building
- 156.023 Lots
- 156.024 Vehicle parking space; loading and unloading berths
- 156.025 Specifications
- 156.026 Livestock prohibited

Non-Conforming Use

- 156.030 Continuation thereof and reconstruction
- 156.031 Extension
- 156.032 Change
- 156.033 Erection and re-erection of buildings
- 156.034 Temporary permits
- 156.035 Right to construct if permit issued
- 156.036 Use to conform after discontinuance
- 156.037 Discontinuance of non-conforming use of land
- 156.038 Non-conforming use created by amendment

Administration

156.040	Farm buildings
156.041	Enforcement by whom
156.042	Plats
156.043	Certificate of occupancy
156.044	Appeals
156.045	Amendments
156.046	Remedies
156.047	Duty of Clerk-Treasurer; availability of materials for public inspection
156.048	Validity

Residential Uses

156.060	Single-family dwelling
156.061	Two-family dwelling
156.062	Group house
156.063	Apartment house
156.064	General provisions
156.065	Conditional exceptions

Commercial Uses

156.070	Local business uses
156.071	General business uses
156.072	General provisions
156.073	Conditional exceptions

Industrial Uses

156.080	Light industrial uses
156.081	Industrial uses
156.082	General provisions
156.083	Conditional exceptions

Contingent Uses

156.090	Contingent uses
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Conditional Uses

156.095	Conditional uses
---------	------------------

Vehicle Parking Space

156.100 Specific requirements and permits

Unit Development Plan

156.105 Residential development plan

156.106 Community shopping center development plan

156.107 Groups of small houses

GENERAL PROVISIONS

§ 156.001 TITLE.

This chapter shall be known, and may be cited hereafter, as the "Zoning Ordinance of 1957, Cambridge City, Indiana."
(1981 Code, § 3.201)

§ 156.002 IDENTIFICATION.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare.
(1981 Code, § 3.202)

§ 156.003 NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED.

It is not intended by this chapter to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued, except, that where this chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required by or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this chapter shall control.
(1981 Code, § 3.203)

§ 156.004 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words in the present tense include the future and vice-versa: words in the singular number include the plural number and vice-versa; the word **BUILDING** includes the word **STRUCTURE** and vice-versa; the word **SHALL** is mandatory and not directory.

ACCESSORY USE. A use which is incidental to the main use of the premises.

ALLEY. A public thoroughfare which affords only secondary means of vehicular access to abutting property, and less than 30 feet in width.

BASEMENT. A story partly underground, but having less than one-half of its clear height below, which unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurements.

BLOCK. Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersection or intercepting street and railroad right-of-way, waterway or other barrier.

BOARD. The Board of Zoning Appeals of the Town of Cambridge City, Indiana.

BOARDING HOUSE. A building not open to transients, where lodging and/or meals are provided for three or more, but not over 30 persons regularly; a lodging house.

BUILDING. A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property, when separated by party walls, without openings through such walls, each portion of such a building shall be considered a separate structure.

BUILDING, ACCESSORY. A subordinate building, or a portion of a main building, the use of which is incidental to that of the main building.

BUILDING, FRONT LINE OF. The line of that face of the building nearest the front lot line.

BUILDING, HEIGHT OF. The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of the wall of an accessory building is a part

of the wall of the principal building or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING AREA. The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

BUSINESS. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMP, PUBLIC. Any area or tract of land used or designed to accommodate two or more automobile house trailers, or two or more camping parties, including cabins, tents, or other camping outfits.

COMMERCIAL. See **BUSINESS**.

DISTRICT. A section of the Town of Cambridge City or the jurisdictional area for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

FAMILY. A group of one or more persons occupying a building and living as a single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than six persons, as distinguished from a group occupying a lodging house or hotel.

GARAGE, PRIVATE. An accessory building with capacity for not more than three motor vehicles for storage only, not more than one of which may be a commercial vehicle of not more than three tons capacity. Provided, however, that a garage designed to house one motor vehicle for each family housed in an apartment shall be classified as a private garage.

GARAGE, PUBLIC. Any building or premises, except those defined herein as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

GROUND FLOOR AREA. The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breeze-ways, terraces, garages, exterior and interior stairways.

HOME OCCUPATION. An occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and no sign, other than a nameplate, not exceeding one square foot in area, is displayed.

HOTEL. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding or lodging house.

JURISDICTIONAL AREA. For planning and zoning, the Town of Cambridge City, Indiana, and the contiguous unincorporated territory shown on a map filed by the Cambridge City Town Plan Commission with the Recorder of Wayne County, Indiana.

KENNEL. Any lot or premises on which four or more dogs, at least four months of age, are kept.

LOADING AND UNLOADING BERTH. The off-street area required for the receipt or distribution by vehicles of materials or merchandise, which in this chapter is held to be a 12-foot by 35-foot loading space with a 14-foot height clearance.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one principal building and its accessory buildings, and the open space required by this chapter and having its principal frontage on a street or an officially designated and approved place.

LOT, CORNER. A lot abutting upon two or more streets at their intersection.

LOT, DEPTH OF. The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

LOT, GROUND LEVEL. Any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

(1) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(2) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(3) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.

LOT, INTERIOR. A lot other than a corner lot or through lot.

LOT, THROUGH. A lot having frontage on two streets at opposite ends of the lot.

LOT, WIDTH OF. The distance between the side lot lines at the front line of building measured at right angles to the depth of the lot.

LOT COVERAGE. The percentage of the lot area covered by the building area.

LOT LINE, FRONT. In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line.

MANUFACTURED HOME. A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council.

MOBILE HOME. A transportable structure built prior to June 15, 1976, the effective date for the federal Mobile Home Construction and Safety Act of 1974, larger than 320 square feet, and designed to be used as a year-round residential dwelling.

MOBILE HOME PARK. Any lot or part thereof which is used or offered as a location for two or more mobile homes used as year-round residential dwellings.

MOTEL. A building or group of buildings, in which lodging is provided and offered to the public for compensation, and catering primarily to the public traveling by motor vehicle.

NON-CONFORMING USE. A building or premises which does not conform in its use or otherwise with all of the regulations of the district in which such building or premises is located.

PARKING LOT. A parcel of land devoted to unenclosed parking space for five or more motor vehicles for compensation or otherwise.

PLACE. An open unoccupied space other than a street or alley permanently reserved for use as the principal means of access to abutting property.

PROFESSIONAL OFFICE. Office of members of recognized professions, such as an architect, artist, dentist, engineer, musician, physician, surgeon, or other professional person.

STORY. That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

STORY, HALF. That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half-story.

STREET. A public thoroughfare 30 feet or more in width between property lines, which affords principal means of vehicular access to abutting property.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something permanently located on the ground.

TOURIST HOME. A dwelling in which overnight accommodations for not more than five transient guests is offered for compensation.

VEHICLE PARKING SPACES. The area required for parking one automobile, which in this ordinance is held to be an area nine feet wide and 20 feet long plus 70 square feet of maneuver area for each vehicle parking space.

VISION CLEARANCE ON CORNER LOTS. A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the height of three and one-half and 12 feet above established grade, determined by a diagonal line connecting two points measured equidistant from the corner along said property line.

YARD, FRONT. Horizontal space measured at 90 degrees with the property line, between the front line of the principal building and the property line of the street upon which the building faces, unoccupied other than by steps, walks, terraces, and open, unroofed, unenclosed porches, or architectural appurtenances projecting not more than 24 inches from the building.

YARD, REAR. Horizontal space measured at 90 degrees to the rear lot line, between the rear of the principal building and the rear line of the lot, unoccupied other than by vehicle parking space, architectural appurtenances, or accessory buildings which do not occupy more than 30% of the required rear yard.

YARD, SIDE. Horizontal space measured at 90 degrees to the side lot line between the side of a building and the adjacent side line of the lot unoccupied other than by architectural appurtenances projecting not more than 24 inches, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four feet.

ZONE. Same as **DISTRICT.**
(1981 Code, Part 3, Ch. 2, App. A)

DISTRICTS AND ZONE MAPS

§ 156.010 DISTRICTS.

The Town of Cambridge City is hereby divided into seven districts in order to carry out the purposes of this chapter. The districts shall be known and designated throughout this chapter as follows:

	<i>Name of District</i>	<i>Designation Hereafter</i>
FP	Flood Plan District	FP
S	Suburban District	S
A	Residence District	A
B	Residence District	B
LB	Local Business District	LB
GB	General Business District	GB
I	Industrial District	I

(1981 Code, § 3.204)

§ 156.011 ZONE MAPS.

(A) The zone map dated June 3, 1957 is hereby declared to be a part of this chapter. The zone map shows the areas included in the above districts. Notations, reference, indications and other matters shown on the zone map are as much a part of this chapter as if they were fully described in the text of this chapter.

(B) Two copies of said zone map are on file in the office of the Clerk-Treasurer of the Town of Cambridge City, Indiana.

(1981 Code, § 3.205)

§ 156.012 DETERMINATION AND INTERPRETATION OF DISTRICT BOUNDARIES.

(A) In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the town and jurisdictional area.

(B) Where uncertainty exists as to the exact boundaries of any district as shown on the zone map, the following rules shall apply:

(1) Where district boundaries are indicated as following street, alley or lot lines, or approximately along such lines, such lines shall be construed to be the district boundaries.

(2) In unsubdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the zone map.

(3) In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the zone map as to the location of the boundary in question.
(1981 Code, § 3.206)

§ 156.013 PROCEDURE RELATING TO ANNEXED OR VACATED AREAS.

(A) Territory which may hereafter be annexed to the town shall remain as zoned unless changed by amendment of this chapter.

(B) Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, waterway, or similar areas, shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

(1981 Code, § 3.207)

SPECIFICATIONS

§ 156.020 USE.

No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.
(1981 Code, § 3.208)

§ 156.021 HEIGHT.

No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.
(1981 Code, § 3.209)

§ 156.022 YARDS, LOT AREA AND SIZE OF BUILDING.

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located.
(1981 Code, § 3.210)

§ 156.023 LOTS.

Every building hereafter erected shall be located on a lot which fronts on a street.
(1981 Code, § 3.211)

§ 156.024 VEHICLE PARKING SPACE; LOADING AND UNLOADING BERTHS.

Every building hereafter erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.
(1981 Code, § 3.212)

§ 156.025 SPECIFICATIONS.

(A) The following specifications are hereby declared to be a part of this chapter:

- (1) Definitions, see § 156.004;
- (2) Residential uses, see §§ 156.060 through 156.065;
- (3) Commercial uses, see §§ 156.070 through 156.073;
- (4) Industrial uses, see §§ 156.080 through 156.083;
- (5) Contingent uses, see § 156.090;
- (6) Conditional uses, see § 156.095;
- (7) Vehicle parking space, see § 156.100;
- (8) Unit development plan, see §§ 156.105 through 156.107.

(B) Specifications (A)(1) through (5) above, inclusive show the district or districts in which the use, which is the subject of the specification, is permitted, and delineates the specifications for the following applicable to the particular use in each district where such use is authorized:

- (1) Lot area per family;
- (2) Width of lot;
- (3) Height of building;
- (4) Vehicle parking space;
- (5) Front, side, rear and other yards;
- (6) Lot coverage;
- (7) Size of building;
- (8) Vision clearance;
- (9) Accessory buildings and uses.

(C) Two copies of the specifications referred to herein are on file in the office of the Clerk-Treasurer of the Town of Cambridge City, Indiana.
(1981 Code, § 3.213)

§ 156.026 LIVESTOCK PROHIBITED.

No person shall keep any livestock (as that term is defined within Chapter 91) upon any property located within the town.
(Ord. 2-2017, passed 7-10-2017)

NON-CONFORMING USE

§ 156.030 CONTINUATION THEREOF AND RECONSTRUCTIONS.

The lawful use of a building or premises, existing at the time of passage of this chapter, may be continued although such use does not conform to all the provisions hereof, except as hereinafter provided.
(1981 Code, § 3.214)

§ 156.031 EXTENSION.

A non-conforming use may be extended throughout a building, provided no structural alterations are made therein, except those required by law.
(1981 Code, § 3.215)

§ 156.032 CHANGE.

A non-conforming use may be changed to another non-conforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use or a less restricted one.
(1981 Code, § 3.216)

§ 156.033 ERECTION AND RE-ERECTION OF BUILDINGS.

No buildings shall be erected upon any premises devoted to a non-conforming use, and no building located upon any such premises, which has been damaged by fire or other causes to the extent of more

than 75% of its appraised valuation, shall be repaired or rebuilt, except in conformity with the regulations of this chapter.

(1981 Code, § 3.217)

§ 156.034 TEMPORARY PERMITS.

The Board of Zoning Appeals may authorize, by written permit, in a residential district for a period of not more than one year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said district.

(1981 Code, § 3.218)

§ 156.035 RIGHT TO CONSTRUCT IF PERMIT ISSUED.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within 90 days of the date of such permit and which entire building shall be completed according to such plans, as filed within three years from the date of passage of this chapter.

(1981 Code, § 3.219)

§ 156.036 USE TO CONFORM AFTER DISCONTINUANCE.

In the event that a non-conforming use of any building or premises is discontinued for a period of one year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

(1981 Code, § 3.220)

§ 156.037 DISCONTINUANCE OF NON-CONFORMING USE OF LAND.

The lawful use of land for open storage purposes, which does not conform to the provisions of this chapter, shall be discontinued within five years from the date of passage of this chapter, and the use of land for storage purposes, which may become a non-conforming use by reason of an amendment to this chapter, shall be discontinued within five years from the date of passage of such amendment.

(1981 Code, § 3.221)

§ 156.038 NON-CONFORMING USE CREATED BY AMENDMENT.

These provisions apply in the same manner to a use which may become a non-conforming use due to a later amendment to this chapter.

(1981 Code, § 3.222)

ADMINISTRATION

§ 156.040 FARM BUILDINGS.

The requirements of this chapter with respect to permits and certificates shall not apply in the case of farm residences or farm buildings necessary to the operation of the farm.
(1981 Code, § 3.223)

§ 156.041 ENFORCEMENT BY WHOM.

The Building Commissioner is hereby designated and authorized to enforce this chapter.
(1981 Code, § 3.224)

§ 156.042 PLATS.

Each application for an improvement location permit shall be accompanied by a plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, reconstructed or structurally altered, and such other information as shall be necessary to provide for the enforcement of this chapter. A careful record shall be kept of all such applications and plats, in the office of the Building Commissioner.
(1981 Code, § 3.225)

§ 156.043 CERTIFICATE OF OCCUPANCY.

(A) No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued by the Building Commissioner stating that the building and use comply with all of the provisions of this chapter applicable to the building or premises or the use in the district in which it is to be located.

(B) No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a certificate of occupancy having been issued by the Building Commissioner, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this chapter.

(C) Certificate of occupancy shall be applied for coincidentally with the application for an improvement location permit and shall be issued within ten days after the lawful erection, reconstruction or structural alteration of such building shall have been completed.

(D) A record of all certificates of occupancy shall be kept on file in the office of the Building Commissioner, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected. A fee of \$1 shall be charged for each original certificate and \$.50 for each copy thereof.

(E) No improvement location permit shall be issued for excavation for or the erection, reconstruction, or structural alteration of any building, before application has been made for a certificate of occupancy.

(1981 Code, § 3.226)

§ 156.044 APPEALS.

Any decision of the Building Commissioner made in enforcement of this chapter may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

(1981 Code, § 3.227)

§ 156.045 AMENDMENTS.

All amendments to this chapter shall be in conformance with the provisions of Chapter 174, Acts of 1947, General Assembly of Indiana and all Acts amendatory thereto. Any proposed amendment shall be submitted to the Plan Commission for report and recommendation prior to any action thereon by the Town Board of Trustees. If the Plan Commission does not approve the enactment of any proposed amendment, it shall become effective only by a three-fourths vote of the Town Board of Trustees.

(1981 Code, § 3.228)

§ 156.046 REMEDIES.

The Town Plan Commission, the Board of Zoning Appeals, the Building Commissioner, or any designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of Wayne County to restrain an individual or a governmental unit from violating the provisions of this chapter. The Town Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction directing an individual, a corporation or a governmental unit to remove a structure erected in violation of any provisions of this chapter. Any building erected, or raised or connected, or land or premises used in violation of any provisions of this chapter or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

(1981 Code, § 3.229)

§ 156.047 DUTY OF CLERK-TREASURER; AVAILABILITY OF MATERIALS FOR PUBLIC INSPECTION.

The Clerk-Treasurer of the Town of Cambridge City, Indiana, is hereby directed to keep on file two copies of the zone map referred to in § 156.011, and the specifications referred to in § 156.025, and said map and specifications shall be available for public inspection during all regular office hours of the said Clerk-Treasurer.

(1981 Code, § 3.230)

§ 156.048 VALIDITY.

Should any article, section, or provision of this chapter be declared by a court of competent jurisdiction, to be invalid, such decisions shall not affect the validity of the chapter as a whole, or any portion thereof, other than the portion so declared to be invalid.

(1981 Code, § 3.231)

RESIDENTIAL USES

§ 156.060 SINGLE-FAMILY DWELLING.

(A) *Definition.* A detached building designed or occupied by one family exclusively.

(B) *Location permitted.* Only in the districts designated below, (except as provided in § 156.095) provided it is located:

(1) On a lot which was in single ownership or included in a subdivision recorded in the Office of the Recorder of Wayne County, Indiana, on or before the date of passage of this chapter; or

(2) On any lot with a minimum area in square feet and width in feet as follows:

<i>District</i>	<i>Lot Area</i>	<i>Lot Width</i>
S	15,000	100
A	7,200	60
B, LB, and GB	6,000	50

(C) *Height of buildings.*

(1) Principal building: Normal maximum 35 feet or 2½ stories.

(2) Conditional exception: Height of principal building may be increased above 35 feet but not higher than 45 feet or three stories, if two side yards of 15 feet each are provided.

(D) *Front yard.* 20% of the average depth of lots in the block.

(E) *Side yard.* The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of five feet for either side yard.

(F) *Rear yard.* 15% of the depth of the lot, with a minimum depth of 15 feet.

(G) *Ground floor area.* Not less than the following:

<i>District</i>	<i>Ground Floor Area</i>
S	720 sq. ft.
A	672 sq. ft.
B, LB and GB	672 sq. ft.

(H) *Lot coverage.* 40% maximum on a corner lot; 35% maximum on interior lot.

(I) *Accessory building, uses permitted.* Private garage, storage exclusive of industrial or commercial use. Quarters for bona-fide servants employed by the occupants of the dwelling on the same lot, but only on the second floor of the building. One guest house with cooking facilities on lots containing not less than 12,000 square feet.

(1981 Code, Part 3, Ch 2, App. B)

§ 156.061 TWO-FAMILY DWELLING.

(A) *Definition.* A detached building designed for or occupied by two families. A duplex dwelling has one family above the other. A double dwelling has one family beside the other.

(B) *Location permitted.* Only in the districts designated below on any lot with a minimum area in square feet and a minimum width in feet as follows:

<i>District</i>	<i>Lot Area</i>	<i>Lot Width</i>
S	20,000	100
A	12,000	60
B	12,000	50
LB, and GB	10,000	50

(C) *Height of buildings.*

(1) *Principal building.* Normal maximum 35 feet or 2½ stories.

(2) *Conditional exception.* Height of principal building may be increased above 35 feet but not higher than 45 feet or three stories, if two side yards of 15 feet each are provided.

(D) *Front yard.* 20% of the average depth of lots in the block.

(E) *Side yard.* The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of five feet for each side yard.

(F) *Rear yard.* 15% of the depth of lot, with a minimum depth of 15 feet.

(G) *Ground floor area.* Not less than the following:

<i>District</i>	<i>Ground Floor Area</i>
S, A and B	Double - 1,000 sq. ft. Duplex - 720 sq. ft.
LB and GB	Double - 900 sq. ft. Duplex - 672 sq. ft.

(H) *Lot coverage.* 40% maximum on a corner lot; 35% maximum on an interior lot.

(I) *Accessory building, uses permitted.* Private garage, storage, exclusive of industrial or commercial use.

(1981 Code, Part 3, Ch 2, App. B)

§ 156.062 GROUP HOME.

(A) *Definition.* A building designed for or occupied by three or more families, exclusively for dwelling purposes, not exceeding two and one-half stories in height.

(B) *Location permitted.* Only in the districts designated below on any lot with a minimum area in square feet and a minimum width in feet as follows:

<i>District</i>	<i>Lot Area Per Unit</i>	<i>Lot Width</i>
S	8,000	100
A	4,000	60
B	3,000	50
LB, and GB	5,000	50

(C) *Height of buildings.*

(1) *Principal building.* Maximum of 35 feet

(D) *Front yard.* 20% of the average depth of lots in the block.

(E) *Side yard.* The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of five feet for either side yard.

(F) *Rear yard.* 15% of the depth of lot, with a minimum depth of 15 feet.

(G) *Ground floor area.* Minimum of 500 square feet for each first floor family.

(H) *Lot coverage.* 50% maximum on corner lots, 40% maximum on interior lots.

(I) *Accessory buildings, uses permitted.* Private garage, storage, exclusive of industrial or commercial use.

(1981 Code, Part 3, Ch 2, App. B)

§ 156.063 APARTMENT HOUSE.

(A) *Definition.* A building designed for or occupied by three or more families, exclusively for dwelling purposes, three or more stories in height.

(B) *Location permitted.* Only in the districts designated below in accordance with procedure specified in § 156.095, on any lot with a minimum area in square feet and a minimum width in feet as follows:

<i>District</i>	<i>Lot Area Per Family</i>	<i>Lot Width</i>
S	8,000	100
A	4,000	60
B	3,000	50
LB, and GB	2,000	50

(C) *Front yard.* 20% of the average depth of lots in the block.

(D) *Side yard.* The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of five feet from either side yard.

(E) *Rear yard.* 20% of the depth of the lot, with a minimum depth of 20 feet.

(F) *Ground floor area.* Not less than 1,200 square feet.

(G) *Lot coverage.* 60% maximum on corner lots, 50% maximum on interior lots.

(H) *Accessory buildings, uses permitted.* Private garage, exclusive of industrial or commercial use. (1981 Code, Part 3, Ch 2, App. B)

§ 156.064 GENERAL PROVISIONS.

(A) *Rear yard.* One-half of an alley abutting the rear lot may be included in the required rear yard.

(B) *Vision clearance on corner lot.* Eight feet from the intersection of property lines.

(C) *Vehicle parking space.* One space on the lot for each family housing in the principal building.

(D) *Accessory buildings.*

(1) Shall not be permitted prior to the erection of the principal building, except for strictly storage purposes and not for human occupancy.

(2) No detached accessory building shall be located closer to a side lot line than three feet.

(3) The normal maximum height permitted shall be 18 feet or one and one-half stories. (1981 Code, Part 3, Ch 2, App. B)

§ 156.065 CONDITIONAL EXCEPTIONS.*(A) Front yard.*

(1) Where 25% or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block, but the maximum front yard need not exceed 40 feet in the S, A, and B Districts, or 15 feet in other districts.

(2) Front yard or setback lines established in recorded subdivisions establish the dimension of front yards in such blocks, except when such setback lines may be less restrictive as provided in this chapter.

(3) On lots extending through from one street to another, a front yard is required on each street.

(B) Tapered yard. Where a reversed interior lot abuts a corner lot, or on an alley separating such lots, any accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reversed interior lot; for each foot that such accessory building is placed from the rear line towards the front line of the corner lot, the accessory building may be set four inches closer to the side street line, but in no case closer than five feet.

(C) Accessory buildings. The height of accessory buildings may be increased to 25 feet or two stories provided the minimum required three-foot distance from side lot lines is increased one foot for each two feet above the normal maximum height permitted.

(1981 Code, Part 3, Ch 2, App. B)

COMMERCIAL USES**§ 156.070 LOCAL BUSINESS USES.**

(A) Definition. Commercial uses primarily of a retail or service nature.

(B) Location permitted. The following classification of business uses specifically stated or implied are permitted in the LB, GB and I Districts.

(1) *Automobile service.*

(a) Filling station.

- (b) Commercial garage.
- (c) Commercial parking lot.
- (d) Sales room.
- (e) Open automobile or trailer sales area.
- (f) Automobile repair, entirely within enclosed buildings.

(2) *Business service.*

- (a) Bank.
- (b) Office.
- (c) Postal station.
- (d) Telegraph office.

(3) *Clothing service.*

- (a) Laundry agency
- (b) Self-service laundry.

(c) Dry cleaning establishment using not more than two clothes cleaning units neither of which shall have a rated capacity of more than 40 pounds using cleaning fluid which is non-explosive and non-inflammable.

- (d) Dressmaking.
- (e) Millinery.
- (f) Tailor and pressing shop.
- (g) Shoe repair shop.

(4) *Equipment service.*

- (a) Radio shop.

- (b) Electric appliance shop.
 - (c) Record shop.
- (5) *Food service.*
- (a) Grocery.
 - (b) Meat market.
 - (c) Supermarket.
 - (d) Restaurant.
 - (e) Delicatessen.
 - (f) Cold storage lockers, for individual use.
 - (g) Bakery.
 - (h) Roadside sales stand.
- (6) *Personal service.*
- (a) Barber shop.
 - (b) Beauty shop.
 - (c) Reducing salon.
 - (d) Photographic studio.
- (7) *Retail service, retail stores generally.*
- (a) Drugstore.
 - (b) Hardware.
 - (c) Stationer.
 - (d) Newsdealer.

(e) Showroom, for articles to be sold at retail.

(8) *Commercial recreational uses.* Conducted only within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

(a) Theater.

(b) Bowling alley.

(c) Billiard room.

(d) Dancing academy.

(e) Tavern or night club only in conformity with requirements or laws or ordinances governing such use.

(9) Hotel.

(10) Private club or lodge.

(11) Advertising sign or billboard.

(C) *Height of buildings.*

<i>District</i>	<i>Normal Maximum Height</i>
LB	45 feet or 4 stories
GB or I	60 feet or 5 stories

(D) *Front yard.* 15 feet.

(E) *Side yard.*

(1) Along the side street line of a corner lot in an LB District, where the block is adjoined by a residential block, the minimum dimension shall be five feet.

(2) Where an LB District adjoins a S, A or B District within the block, there shall be a side yard of at least five feet.

(3) In blocks included entirely in LB, GB, or I Districts, no side yards are required. However, if a side yard is provided, the minimum dimension shall be five feet.

(F) *Rear yard.* 10% of the depth of lot.

(G) *Lot coverage.* 90%, but this shall not waive provision of yards where required. (1981 Code, Part 3, Ch 2, App. C)

§ 156.071 GENERAL BUSINESS USES.

(A) *Definition.* Commercial uses including wholesale and storage uses conducted within enclosed, substantially constructed buildings.

(B) *Location permitted.* The following classification of business uses specifically stated or implied are permitted in the GB and I Districts.

- (1) Local business uses.
- (2) Department store.
- (3) Storage warehouse.
- (4) Motor bus or railroad passenger station.

(5) Any commercial use not specifically stated or implied elsewhere in this chapter and complying with the above definition.

(C) *Height of buildings.*

<i>District</i>	<i>Normal Maximum Height</i>
LB	45 feet or 4 stories
GB or I	60 feet or 5 stories

(D) *Front yard.* None required.

(E) *Side yard.* None required. However, if a side yard is provided the minimum dimension shall be five feet.

(F) *Rear yard.* 10% of the depth of lot.

(G) *Lot coverage.* 90%, but this shall not waive provision of yards where required. (1981 Code, Part 3, Ch 2, App. C)

§ 156.072 GENERAL PROVISIONS.

(A) The number of off-street parking spaces required shall be as set forth in the following:

<i>USES</i>	<i>PARKING SPACES REQUIRED</i>
Bowling alleys	5 for each alley
Churches, auditoriums, theaters, arenas, dance and assembly halls	1 for each 8 seats or 100 square feet of floor space, whichever is greater
Dwellings - One-, two- and multi-family	1 for each family or dwelling unit
Funeral home	4 for each parlor; 1 for each 50 square feet of floor area, whichever is greater
Hospitals	1 for each 4 beds
Hotels	1 for each 2 bedrooms
Libraries, museums, art galleries and similar cultural facilities	1 for each 500 square feet of floor area
Medical or dental clinics	1 for each 200 square feet of floor area
Mobile home parks	1 for each mobile home space plus 1 additional for each 4 spaces
Motels	1 for each living or sleeping room
Restaurants, beer parlors, and night clubs, over 500 square feet in area	1 for each 200 square feet of floor area
Retail businesses, service establishments and offices under 2,000 square feet in floor area	1 for each 400 square feet of floor area
Schools	1 for each 3 faculty and staff members plus 1 for each 10 students at the high school or college level
Wholesale, commercial, warehousing manufacturing and industrial uses	1 for each 3 employed on the maximum shift or for each 3,000 square feet of floor area, whichever is greater

(B) *Loading or unloading berths.* Shall be provided on the lot as follows:

Cambridge City - Land Usage

<i>Use</i>	<i>Gross Floor Area (sq. ft.)</i>	<i>Loading and Unloading Berths</i>
Retail stores, department stores, wholesale establishments, storage uses, other commercial uses	3,000 to 15,000	1
	15,001 to 40,000	2
	Each 25,000 feet additional	1 additional
Hotels, office buildings	100,000 or less	1
	100,001 to 336,000	2
	Each 200,000 additional	1 additional

(C) *Paving*. Open parking area and loading and unloading berths shall be paved with dust-proof or hard surface, meeting the standard specifications of the town.

(D) *Rear yard*. One-half of an alley abutting the rear of the lot may be included in the rear yard to satisfy rear yard requirements, but such alley space shall not be included for loading and unloading berths.

(E) *Vision clearance on corner lots*. Eight feet from the intersection of property lines.
(1981 Code, Part 3, Ch 2, App. C)

§ 156.073 CONDITIONAL EXCEPTIONS.

(A) *Maximum height*. The normal maximum height of structure may be increased as follows:

(1) Buildings may be erected higher than the normal maximum if they are set back, from front and rear property lines, one foot for each two foot of additional height above the normal maximum height.

(2) Chimneys, cooling towers, elevator bulkhead, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws or ordinances.

(B) *Front yard*. Where 25% or more of the lots in the block are occupied by buildings, necessary setback of such buildings determines the dimension of the front yard in the block, but the maximum front yard need not exceed 15 feet.

(C) *Vehicle parking space*.

(1) Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each participating use.

(2) Vehicle parking requirements shall not apply in a block, 50% or more of the area of which was occupied by business or industrial structures at the time of passage of this chapter.
(1981 Code, Part 3, Ch 2, App. C)

INDUSTRIAL USES

§ 156.080 LIGHT INDUSTRIAL USES.

(A) *Definition.* A light industrial use is one which ordinarily uses only light machinery, is conducted entirely within enclosed, substantially constructed buildings, does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose, other than loading and unloading operations in the rear; and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noises or vibrations beyond the confines of the building.

(B) *Locations permitted.* In the GB and I Districts.
(1981 Code, Part 3, Ch 2, App. D)

§ 156.081 INDUSTRIAL USES.

(A) Definition.

(1) An industrial use is one which requires both buildings and open area for manufacturing, fabricating, processing, heavy repairing, dismantling, storage, or disposal of raw materials, manufactured products or wastes, which is not injurious to health or safety of humans or animals, or injurious to vegetation; and which is not noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors, or vibrations beyond the limits of the premises upon which such industry is conducted.

(2) Included in this classification are all industrial uses fully complying with the above definition, plus:

(a) Automobile wrecking or junk storage as conditional uses permitted in accordance with the procedure specified for conditional uses, § 156.095, and further provided that the use is confined within enclosed buildings or in yards completely enclosed and surrounded by solid walls or solid fences at least eight feet in height.

(b) Poultry slaughtering and wholesaling.

(c) Veterinary hospital or kennel.

(d) Bulk storage of inflammable fluids in above ground tanks, but not oil refinery tanks.

(e) Truck terminal.

(f) Railroad freight house.

(g) Utilities storage yard.

(h) Coal, coke, or wood yard.

(i) Lumber yard.

(j) Bus line shops or garage.

(k) Contractor's plant or storage yard.

(l) Building material storage yard.

(m) Carting, express, hauling or storage yard.

(B) Location permitted. In the I District.
(1981 Code, Part 3, Ch 2, App. D)

§ 156.082 GENERAL PROVISIONS.

(A) *Height of buildings.*

<i>District</i>	<i>Normal Maximum Height Permitted</i>
GB and I	60 feet or 5 stories

(B) *Front yard.*

<i>District</i>	<i>Depth in Feet</i>
GB	None
I	15

(C) *Side yard.* None required. However, if a side yard is provided, the minimum dimensions shall be five feet.

(D) *Rear yard.* 10% of the depth of lot with a maximum requirement of ten feet. (One-half of an alley abutting the rear of a lot may be included in the rear yard to satisfy rear yard requirements, but such alley space shall not be included for loading and unloading berths.

(E) *Lot coverage.* 90%, but this shall not waive provision of yards where required.

(F) *Vision clearance on corner lots.* 8 feet.

(G) *Vehicle parking space.* One vehicle parking space for each three employees shall be provided on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals.

(H) *Loading and unloading berths.* Shall be provided on the lot as follows:

<i>Gross Floor Area Square Feet</i>	<i>Loading and Unloading Berths</i>
15,000 or less	1
15,001 to 40,000	2
40,001 to 100,000	3
Each 40,000 additional	1 additional

(I) *Paving.* Open parking area and loading and unloading berths shall be paved with a dust-proof or hard surface, meeting the standard specifications of the town.
(1981 Code, Part 3, Ch 2, App. D)

§ 156.083 CONDITIONAL EXCEPTIONS.

(A) *Maximum height.* Buildings may be erected higher than the normal maximum if they are set back, from front and rear property lines, one foot for each two feet of additional height above the normal maximum height. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

(B) *Vehicle parking space.*

(1) Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each participating use.

(2) Vehicle parking requirements may be waived by the Board of Zoning Appeals in a block, 50% or more of the area of which was occupied by business or industrial structures at the time of passage of this chapter.
(1981 Code, Part 3, Ch 2, App. D)

CONTINGENT USES

§ 156.090 CONTINGENT USES.

(A) *Definition.* Uses which are likely or liable, but not certain, to occur, and which are not inappropriate to the principal use of the district in which located.

(B) *Location permitted and vehicle parking space required.* Contingent uses, as listed herein, are permitted in the district indicated below. Each use shall provide on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals, parking space, open or enclosed, as follows:

<i>Contingent Use</i>	<i>District in Which Permitted</i>	<i>Parking Spaces Required</i>
Boarding or lodging house	B, LB and GB	One for each 3 occupants
Bulletin board for a church or public building	All except FP and I	

Cambridge City - Land Usage

<i>Contingent Use</i>	<i>District in Which Permitted</i>	<i>Parking Spaces Required</i>
Church or temple	All except FP and I	One for each 6 seats in main auditorium
College or university	All except FP and I	One for each 3 students or staff
Community center	All except FP and I	One for each 6 seats
Home occupation	All	One additional
Lodge or private club (which is of a non-commercial nature)	B, LB and GB	One for each 125 sq. ft. of ground floor area
Mortuary	B, LB and GB	One for each 6 seats in chapel
Municipal or governmental building	All except FP and I	One for each 125 sq. ft. of ground floor area
Nursing home or homes for the aged	B, LB or GB	One for each 7 patients
Plant nursery	All	
Professional office in residence of practicing professional person	All except FP and I	Two additional
Public library or museum	All except FP and I	One for each 125 sq. ft. of ground floor area
Public park or public recreational facility	All except I	
School, public or parochial	All except FP and I	One for each 3 members of the staff plus one for each 8 seats in auditorium
Tourist home	B, LB and GB	One for each sleeping room
Temporary sign, pertaining to lease, hire or sale of a building or premises	All	

(C) *Paving.* Open parking area shall be paved with a dust-proof or hard surface, meeting the standard specifications of the town.

(D) *Conditional exceptions; parking requirements.* A church or temple requiring parking area at times when nearby uses do not need their parking facilities, may, by agreement approved by the Board of Zoning Appeals, utilize such facilities in lieu of providing their own parking facilities.

(E) *Height permitted.*

<i>District</i>	<i>Normal Maximum Height Permitted</i>
S, A, and B	35 feet or 2½ stories
LB	45 feet or 4 stories
GB and I	60 feet or 5 stories

(1) Buildings may be erected to heights in excess of the normal maximum, if they are set back from required front, side, and rear yard lines, or property lines where yards are not required as follows:

<i>District</i>	<i>Setback</i>
S, A, and B	One foot for each foot of additional height
LB, GB and I	One foot for each two feet of additional height

(2) In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, water towers, transmission towers, and other essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

(F) The provisions for yards, vision clearance, and accessory buildings as they pertain to group houses in residential districts, local business uses in LB, GB or I Districts, or general business uses in GB or I Districts, shall apply to contingent uses listed herein.

(1981 Code, Part 3, Ch 2, App. E)

CONDITIONAL USES

§ 156.095 CONDITIONAL USES.

(A) The following uses, or structural alterations thereto, which are classified as conditional uses, may be permitted by the Board of Zoning Appeals, in accordance with the procedure specified herein.

- (1) Airport or aircraft landing field.
- (2) Amusement park.
- (3) Artificial lake or private swimming pool.
- (4) Baseball park.

- (5) Cemetery or crematory.
- (6) Country club or golf course.
- (7) Fire station.
- (8) Hospital.
- (9) Kindergarten or day nursery.
- (10) Mineral extraction.
- (11) Mobile home parks.
- (12) Motel.
- (13) Outdoor theater.
- (14) Penal or correctional institution.
- (15) Philanthropic or charitable institution.
- (16) Practice golf driving range.
- (17) Public utilities easements and uses essential to the operation of utilities.
- (18) Radio or television transmitting tower.
- (19) Railroad rights-of-way and uses essential to the operation of the railroad.
- (20) Residential structure in FP District.
- (21) Sanitary fill or refuse dump.
- (22) Sewage disposal or garbage disposal.
- (23) Trailer or public camp.

(B) Upon receipt of an application for a conditional use by the Board of Zoning Appeals, it shall be referred to the Town Plan Commission for investigation as to the manner in which the proposed location and character of the conditional use will affect the Master Plan of the Town. The Town Plan Commission shall report the results of its study of the proposal to the Board of Zoning Appeals, and if the report is favorable to the proposal, the Board of Zoning Appeals, may, after public notice and

hearing according to law, grant the permit, including the imposition of conditions of use, which the Board deems essential to insure that the conditional use is consistent with the spirit, purpose and intent of this chapter, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

(C) The following uses may be permitted in the I Industrial District only in accordance with the procedure specified in division (B) above, and the inclusion of a report by the Town Health Officer or the State Board of Health and the State Fire Marshal that the uses applied for will not be injurious to the public health or safety.

- (1) Acid manufacture.
- (2) Arsenal.
- (3) Cement, lime, gypsum or plaster of paris manufacture.
- (4) Distillation of bones, coal or wood.
- (5) Explosive manufacturer or storage.
- (6) Incineration or reduction of garbage, dead animals, offal or refuse, except for municipal purposes.
- (7) Packing plants.
- (8) Slag, stone, cinder or coal crushing or pulverizing.
- (9) Any other use which may, under some circumstances be injurious to public health or safety, but which may, with adequate safeguards, be designed so as not to be injurious in such manner.

(D) Mobile home parks may be permitted in the following districts: S-Suburban; LB-Local Business; and GB-General Business. Applications for such park within the corporate limits of the Town of Cambridge City shall be submitted in accordance with the provisions of the Cambridge City, Indiana, manufactured housing regulations.
(1981 Code, Part 3, Ch 2, App. F)

VEHICLE PARKING SPACE**§ 156.100 SPECIFIC REQUIREMENTS AND PERMITS.**

(A) *Specific requirements.* Sections 156.060 through 156.065, 156.070 through 156.073, 156.080 through 156.083 and 156.090 specify the off-street parking requirements for each type of use permitted under the provisions of this chapter.

(B) *Permits for parking lots in residential zones.* In order to meet requirements for vehicle parking space where such space is not available on the lot occupied by a building, as specified in §§ 156.060 through 156.065, 156.070 through 156.073, 156.080 through 156.083 and 156.090, the Board of Zoning Appeals may, after receipt of a favorable report from the Town Plan Commission on the proposal and after public notice and hearing, grant a permit for the establishment of a parking lot in a S, FP, A, or B District, provided that the entire area of the parking lot is within 300 feet of a LB, GB or I District or, in the case of a church or other place of congregation in a S, A, or B District, immediately adjacent to such church or other place of congregation, and provided further that:

(1) There shall be no sales, dead storage, repair work, dismantling or servicing of any kind on said parking lot.

(2) Entrances and exits shall be approved as to location by the Town Plan Commission.

(3) No parking shall be permitted nearer than two feet from the front or side lot line.

(4) Except for otherwise approved entrances and exits, a curb or rail not more than two feet in height, shall be erected so as to conform with the required front lot line and may be required along boundaries of the parking lot as determined by the Town Plan Commission for the protection of adjoining residentially zoned or used property.

(5) The lot shall be surfaced with a dustproof or hard surface, meeting the standard specifications of the town.

(6) No advertising signs shall be erected upon such lot, except not more than one sign on each street side to indicate the operator and purpose of the lot. Such sign shall not exceed 20 square feet in area and shall not extend more than ten feet in overall height above the ground level.

(7) Lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.

(8) If at any time after the issuance of the required permits any of the provisions of this section are not complied with the permits shall be revoked.

(1981 Code, Part 3, Ch 2, App. G)

UNIT DEVELOPMENT PLAN

§ 156.105 RESIDENTIAL DEVELOPMENT PLAN.

(A) The owner or owners of any tract of land, comprising an area of not less than ten acres, may submit to the Board of Zoning Appeals a plan for the use and development of the land, primarily for residential purposes. The proposed development plans shall be submitted to the Town Plan Commission for examination, study and report and for a public hearing. If the Town Plan Commission approves the development plan, the plan together with the recommendations of the Town Plan Commission shall be embodied in a report to the Board of Zoning Appeals, stating the reasons for the approval of the plan and application and specific evidence and facts showing that the proposed residential development plan has considered and made provision for the following essential elements:

(1) That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded;

(2) That the plan is consistent with the intent of this chapter to promote public health safety, and general welfare;

(3) That the buildings shall be used primarily for single and two-family dwellings, apartments or group houses, and the usual accessory uses such as garages, storage space and community activities;

(4) That the area of the tract, excluding street area, but including the area to be devoted to parks, parkways, and other open spaces, will provided the minimum lot area per family, counting all families to be housed under the unit development plan, which is required for the most intensive use normally permitted in the district in which such development is to be located.

(B) If the Board of Zoning Appeals approves the proposed residential development plan, Improvement location permits and certificates of occupancy shall be issued, even though the use of the land, the location of the buildings to be erected in the area, and the yards and open spaces provided in the plan do not conform in certain respects to the regulations for the district in which the development is to be located.

(1981 Code, Part 3, Ch 2, App. H)

§ 156.106 COMMUNITY SHOPPING CENTER DEVELOPMENT PLAN.

(A) The owner or owners of any tract of land, comprising an area of not less than four acres, may submit in a similar manner, a development plan for a community shopping center, which shall be processed in the manner prescribed in § 156.105(A) and may be approved if the report of the Town Plan Commission shows that:

- (1) The commercial uses included in the plan are limited to those permitted in the LB District;
- (2) The entire development is designed as a single architectural unit, with appropriate landscape architectural treatment of the entire unit area;
- (3) At least twice the gross floor area of the stores shall be used for vehicle parking space within the development, plus one vehicle parking space for each six seats in any theater or place of congregation included within the plan, is provided in off-street parking area, which are integral parts of the design of the unit plan;
- (4) That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded;
- (5) That the plan is consistent with the intent of this chapter to promote the public health, safety and general welfare.

(B) If the Board of Zoning Appeals approves the proposed development for a community shopping center, improvement location permits and certificates of occupancy shall be issued as prescribed in § 156.105(B).

(1981 Code, Part 3, Ch 2, App. H)

§ 156.107 GROUPS OF SMALL HOUSES.

(A) Where it is proposed in the S-Suburban District to erect groups of ten or more dwellings, the minimum ground floor areas of any of which are less than 672 square feet, a development plan may be submitted and processed in the manner prescribed in § 156.105(A), and may be approved if the report of the Town Plan Commission shows that:

- (1) The appropriate use of property adjacent to the area included in the plan will be fully safeguarded;
- (2) Adequate sanitary facilities are provided;
- (3) The plan is consistent with the intent of this ordinance to promote public health, safety and general welfare.

(B) If the Board of Zoning Appeals approves the proposed development plan, building permits and improvement location permits shall be issued as prescribed in § 156.105(B).

(1981 Code, Part 3, Ch 2, App. H)

CHAPTER 157: UNINCORPORATED JURISDICTIONAL AREA SUBDIVISION

Section

General Provisions

- 157.001 Establishment of control
- 157.002 Other department clearances
- 157.003 Territorial limits of regulations
- 157.004 Technical Review Committee
- 157.005 Minimum standards; checklist requirements
- 157.006 Definitions

Subdivision Approval of Plats and Re-Plats

- 157.010 Authority over plats
- 157.011 Standards for approval
- 157.012 Re-plat

Procedures

- 157.020 Application
- 157.021 Preliminary considerations
- 157.022 Comprehensive Plan requirements
- 157.023 Design criteria
- 157.024 Street access; drainage; unsuitable contours
- 157.025 Documents required to be submitted on primary approval
- 157.026 Hearing
- 157.027 Rules

Plat Committee

- 157.030 Appointment
- 157.031 Membership
- 157.032 Quorum
- 157.033 Meetings
- 157.034 Power

Cambridge City - Land Usage***Approvals***

- 157.040 Primary approval by Plat Committee; minor subdivision
- 157.041 Primary approval by Plat Committee; major subdivision
- 157.042 Appeals
- 157.043 Secondary approval
- 157.044 Secondary approval procedure

Financial Responsibility - Bonds

- 157.050 Certificate of financial responsibility
- 157.051 Preliminary bond
- 157.052 Maintenance bond for streets

Design and Layout Requirements

- 157.060 General requirements
- 157.061 Street layout requirements
- 157.062 Block layout requirements
- 157.063 Lots
- 157.064 Easements
- 157.065 Building setback lines
- 157.066 Public open spaces
- 157.067 Natural surface drainage

Minimum Standards of Improvements

- 157.070 General conformance requirements
- 157.071 Monuments and markers
- 157.072 Streets
- 157.073 Sewers
- 157.074 Septic system
- 157.075 Water
- 157.076 Storm drainage

Streets and Roadways

- 157.080 Minimum right-of-way widths of streets, alleys and easements for utilities
- 157.081 Minimum pavement widths
- 157.082 Street grades, curves and sight distances
- 157.083 Intersections
- 157.084 Curb and gutter
- 157.085 Dead-end streets; cul-de-sac

Off-Street Improvements

- 157.090 Sidewalks
- 157.091 Street signs
- 157.092 Street trees
- 157.093 Unpaved area
- 157.094 Street plans

Street Construction Standards

- 157.100 Inspection
- 157.101 Intent of minimum specifications
- 157.102 Special provisions
- 157.103 Street construction inspection
- 157.104 Pavement design
- 157.105 Drainage structures
- 157.106 Street construction
- 157.107 Cement concrete pavements
- 157.108 Hot asphaltic concrete pavements
- 157.109 Curbs and gutters
- 157.110 Cement concrete sidewalks
- 157.111 Finishing shoulders, ditches and slopes
- 157.112 Street signs

Modifications

- 157.115 Modification

Variance

- 157.120 Variance
- 157.121 Conditions to variance
- 157.122 Notation of variance
- 157.123 Variance after platting

Improvement Location Permits

- 157.130 Temporary permit model home
- 157.131 Fees

Certificates and Dedication; Validity; Adoption

- 157.135 Secondary approval certificates
- 157.136 Validity
- 157.137 Adoption

GENERAL PROVISIONS**§ 157.001 ESTABLISHMENT OF CONTROL.**

No plat or re-plat of a subdivision of land located within the jurisdiction of the Cambridge City Advisory Plan Commission shall be filed with the Wayne County Auditor; and the Wayne County Recorder shall not record same unless it has first received secondary approval by the Cambridge City Advisory Plan Commission; and such approval shall have been entered in writing on said plat by the Secretary of said Commission and further evidenced by affirming the Commission's seal upon the plat. (Ord. passed 12-6-2005)

§ 157.002 OTHER DEPARTMENT CLEARANCES.

The Cambridge City Advisory Plan Commission shall not approve said plat or re-plat until the requirements of the following officials have been satisfied, when applicable: Wayne County Health Officer, Wayne County Surveyor, Wayne County Soil Conservationist, Wayne County Board of Commissioners and the Wayne County Highway Engineer and Superintendent. (Ord. passed 12-6-2005)

§ 157.003 TERRITORIAL LIMITS OF REGULATIONS.

The rules and regulations governing plat, re-plat and subdivisions of land contained herein shall apply within all of the unincorporated jurisdictional areas of Cambridge City unless, by proper ordinance, an area of jurisdiction is within the corporate boundaries of Cambridge City. (Ord. passed 12-6-2005)

§ 157.004 TECHNICAL REVIEW COMMITTEE.

The Plan Commission may establish the Technical Review Committee to review the application for technical conformity with the standards of this chapter when requested by the Plan Commission, Plat

Committee or Plan Director. They shall send their comments to the pertinent hearing. Such comments are not necessary for action to be taken on a subdivision.

(Ord. passed 12-6-2005)

§ 157.005 MINIMUM STANDARDS; CHECKLIST REQUIREMENTS.

There is hereby established a list of minimum standards that have heretofore been established by the Plan Commission as conditions for passage of a subdivision. These conditions must be contained in the subdivision to which they are applicable, and a checklist will be submitted by the developer, along with each plat, showing that these documents have been prepared, cleared by the respective departments and are included in the plat materials. This checklist may be supplemented from time to time by conditions imposed by the Technical Review Committee, the compliance to which will also be submitted along with the plat, and made a part of the report to the Plat Committee, or the Plan Commission, upon submission for secondary approval.

(Ord. passed 12-6-2005)

§ 157.006 DEFINITIONS.

For the purpose of this chapter certain terms or words used herein shall be interpreted or defined in the zoning ordinance of Cambridge City. Other special definitions for this chapter are as follows. Words used in the present tense include the future tense; the singular number shall include the plural and the singular; and the word *SHALL* is always mandatory and not discretionary.

BUILDING SETBACK LINE. A line on a plat between which line and the street line of a lot or block buildings may not be erected.

COMMISSION. The Cambridge City Advisory Plan Commission.

COMPREHENSIVE PLAN. The Comprehensive Plan adopted by the Town of Cambridge City, dated June 2002. Also known as the ***MASTER PLAN.***

COUNTY. Wayne County government.

COUNTY HIGHWAY ENGINEER. The Wayne County Highway Engineer.

COUNTY HIGHWAY SUPERVISOR. The Wayne County Highway Supervisor.

HMA. Hot mix asphalt.

LOT DEPTH. The mean horizontal distance between the front lot line along the street right-of-way and the rear lot line, measured within the lot boundaries.

MASTER PLAN. Comprehensive Plan.

NEW STREET. Any street constructed to the Wayne County specifications and in accordance with this chapter to be built as part of a proposed subdivision.

PARCEL. A segment of land, tract, lot.

PLAN COMMISSION. The Cambridge City Advisory Plan Commission.

PLANNING DIRECTOR. The administrative head of the Cambridge City Advisory Plan Commission.

PLAT. A map or drawing on which the subdivider's plan of a subdivision is shown, which is presented for approval. The final plat is the map or drawing which is intended to be filed for record and which meets the requirements of § 157.043.

RECORD OF TRANSFER. The record as it appears in the records of the Wayne County Recorder's office.

ROADBED. The portion of the right-of-way between the outside shoulder lines or curb faces.

ROADWAY. The paved area of the right-of-way including all curb and gutter facilities.

SHOULDERS. The portion of the roadbed not covered by the pavement.

STREET. A right-of-way dedicated to the public use, which affords the principal means of access to abutting property. A street may be designed as a highway, thoroughfare, parkway, boulevard, road, avenue, land, drive, place, cul-de-sac or other appropriate name. A street may also be identified, according to type of use, as follows:

(1) **COLLECTOR STREETS.** Those streets which carry traffic from minor streets to primary or secondary thoroughfares, including access streets to neighborhoods or sub-neighborhoods and afford traffic circulation within such neighborhoods or sub-neighborhoods.

(2) **CUL-DE-SACS.** Minor streets having only one end open to traffic and being permanently terminated at the other end by a vehicle turn-around.

(3) **FRONTAGE ACCESS STREETS.** Minor streets which are parallel to and adjacent to principal thoroughfares and which provide access to abutting properties and protection from through traffic.

(4) **MINOR STREETS.** Those streets which are used exclusively to principally for access to abutting properties.

(5) **PARKWAYS.** Those streets so designated in the Wayne County Major Highway Plan.

(6) **PRIMARY THOROUGHFARES.** Those streets so designated in the Wayne County Major Highway Plan.

(7) **SECONDARY THOROUGHFARES.** Those streets so designated in the Wayne County Major Highway Plan.

SUBDIVIDE. The division for developmental purposes of any tract or parcel into a maximum of two separate parcels. To subdivide one time, any parcel existing at the time of the adoption of this chapter is permissible and exempt from the control of the subdivision control ordinance. To subdivide parcels where all resulting parcels exceed 20 acres is also exempt from this chapter. All divisions of parcels are subject to the requirements of the zoning ordinance district in which the division occurs.

SUBDIVISION.

(1) **MAJOR SUBDIVISION.** All other divisions for developmental purposes into legally described parcels or lots, including the division of parcels whenever a new street or major utility is constructed or extended or whenever drainage improvements utilize adjoining parcels, may be made only after complying with the major plat provisions of the subdivision control ordinance.

(2) **MINOR SUBDIVISION.** The division for developmental purposes of a parcel into not more than three lots where there is not an opening of a new public way and it otherwise complies with the zoning ordinance is permitted by following the minor plat provisions of the subdivision control ordinance.

WAYNE COUNTY. Wayne County government.
(Ord. passed 12-6-2005)

SUBDIVISION APPROVAL OF PLATS AND RE-PLATS

§ 157.010 AUTHORITY OVER PLATS.

The Cambridge City Advisory Plan Commission or Plat Committee have exclusive control over the approval of plats and re-plats, of subdivisions involving unincorporated lands in Wayne County, under its jurisdiction.
(Ord. passed 12-6-2005)

§ 157.011 STANDARDS FOR APPROVAL.

(A) In determining whether to grant primary approval of a plat, the Plan Commission shall determine if the plat or subdivision qualifies for primary approval under the standards prescribed in the subdivision regulations in the following areas:

- (1) Minimum width, depths and area of the lots in the subdivision.
- (2) Public way widths, grades, curves, and the coordination of subdivision public ways with current and planned public ways.
- (3) The extension of water, sewer, and other municipal services.
- (4) Fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry.
- (5) Any approval must meet the standards prescribed in the Cambridge City zoning ordinance for a similar use.

(B) As a condition of primary approval of a plat, the Commission may specify:

- (1) The manner in which public ways shall be laid out, graded and improved.
 - (2) Provisions for water, sewage and other utility services.
 - (3) Provisions for lot size, number and location.
 - (4) Provisions for drainage design
 - (5) Provisions for other services as specified in the subdivision regulations.
- (Ord. passed 12-6-2005)

§ 157.012 RE-PLAT.

A re-plat of an approved or recorded subdivision plat shall be required for any change in said plat, if such change affects a street layout, any lot line, or an area reserved for public use. The transfer between adjoining property owners that does not create any additional building lot shall not require a re-plat.

(A) All of the owners of the land in the plat proposed for the re-plat must acknowledge in a written document that they are a part of the requested plat.

(B) A re-plat request must be approved by the Plan Commission utilizing the same procedure, rules and regulations as for subdivision approval.
(Ord. passed 12-6-2005)

PROCEDURES

§ 157.020 APPLICATION.

Forms. Any person desiring the approval of a plat shall submit application for approval on forms provided by the Plan Director.
(Ord. passed 12-6-2005)

§ 157.021 PRELIMINARY CONSIDERATIONS.

In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider shall consult with the Planning Director prior to the preparation of the tentative plan of the subdivision. The need for sanitation, water supply, drainage, and public utilities, and relationship to other developments, existing, and proposed, in the vicinity, should be determined in advance of preparation of the subdivision plan. Consultation should also be held with those familiar with the economic factors affecting the subdivision.
(Ord. passed 12-6-2005)

§ 157.022 COMPREHENSIVE PLAN REQUIREMENTS.

The Comprehensive Plan should be reviewed to determine how the proposed plan is to be coordinated with said Comprehensive Plan or Master Plan with particular attention given to matters enumerated in I.C. 36-7-4-600 series. The owner or developer shall determine that his subdivision provides for the following:

- (A) Coordination of subdivision streets with existing and planned streets or highways;
- (B) Coordination with and extension of facilities included in the Master Plan;

(C) Establishment of minimum width, depth, and area of lots within the projected subdivisions as set forth in zoning and improvement location permit regulations;

(D) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the county;

(E) Fair allocations of areas for street, parks, schools, public and semi-public buildings, home utilities, business and industry as outlined by the Master Plan.
(Ord. passed 12-6-2005)

§ 157.023 DESIGN CRITERIA.

The developer shall also determine that the subdivision meets the design criteria required by the Commission, including the manner in which streets shall be laid out, graded and improved, and that he has made the required or adequate provisions for water, sewage, other utility service, schools, essential municipal services, and recreation facilities.
(Ord. passed 12-6-2005)

§ 157.024 STREET ACCESS; DRAINAGE; UNSUITABLE CONTOURS.

No land shall be approved for a subdivision unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider; or if the land is subject to periodic flooding, lies below the designated floodplain elevation level; or if it is otherwise considered by the Commission to be unsuitable for urban development by reason of improper drainage, objectionable earth and rock formation, steep slopes, or any other feature that may be harmful to the health and safety of possible residents or the county as a whole.
(Ord. passed 12-6-2005)

§ 157.025 DOCUMENTS REQUIRED TO BE SUBMITTED ON PRIMARY APPROVAL.

Documents to be submitted for primary approval are as follows.

(A) *Minor subdivision.* The subdivider shall submit six copies of preliminary plat of the proposed subdivision, drawn to a scale 100 feet to one inch. This preliminary plat does not require the precise detail of a plat for secondary approval but shall include the following.

- (1) Proposed name of the subdivision;
- (2) A legal description of the subdivision;
- (3) Name and address of the surveyor or engineer who prepared the preliminary plat;
- (4) Layout of lots, showing numbers, dimensions, areas and building setback lines;

(5) Right-of-way adjacent to the subdivision showing name, existing and proposed width of right-of-way, type and width of pavement;

(6) Proposed entrance to lots with sight distance;

(7) Easements, existing or proposed;

(8) Soil types;

(9) Drainage pattern to and from subdivision;

(10) Any information deemed necessary;

(11) Names of adjoining property owners.

(B) *Major subdivision.* Note: six copies of the following information and plans shall be submitted. A location map is required showing the following:

(1) Subdivision name and location (not duplicating the name of any plat heretofore recorded in the area under any jurisdiction in the county):

(2) Thoroughfares related to the subdivision;

(3) Public transportation lines;

(4) Main shopping center;

(5) Community or neighborhood stores;

(6) Elementary and high schools, including locations of those proposed in the Master Plan;

(7) Parks and playgrounds, including locations of those proposed in the Master Plan;

(8) Zoning district boundaries and districts in the area;

(9) Other community features;

(10) Title, scale, north point and date of preparation.

(C) A site map showing the following shall be submitted. Topographic data in the following forms, which shall be determined by the Planning Director during preliminary consideration of the plan:

(1) A contour map with vertical intervals of at least two feet if the general slope of the site is less than 10%, and vertical intervals of five feet if the general slope is greater than 10%. U.S. geological Survey (U.S.G.S.) topographic data may be used in the preparation of the preliminary plan, unless the Commission requires a topographic survey, in which case topographic data shall refer to U.S.G.S. North American Datum - Mean Sea Level Elevation;

(2) Water courses, marshes, rock outcrops, wooded area and other natural or man-made features which would affect the plan of subdivision in detail satisfactory to the Commission;

(3) Tract boundary lines, showing dimensions, bearings, angles and references to section, township and range lines or recorded corners;

(4) Streets and right-of-way on or adjoining the site to a distance of not less than 150 feet from site boundaries, including dedicated right-of-way widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, trees planting and other pertinent data;

(5) Easements; locations, widths and purposes;

(6) Utilities, including sanitary and storm sewer, other drainage facilities, water lines, gas mains, electric utilities and other facilities, including size or capacity of each and the location of or distance to each utility indicated;

(7) Zoning of the site and adjoining property;

(8) Existing or proposed platting of adjacent land;

(9) Other features or conditions which would effect the subdivision either favorably or adversely; and

(10) Title, scale, north point and date.

(D) A preliminary plan of the subdivision, drawn to a scale of a minimum of 100 feet to one inch, except that when the drawing at that scale requires more than one sheet, a scale recommended by the Planning Director may be used. All plats shall be drawn on a sheet(s) 24 x 36 inches in size. The preliminary plan shall show:

(1) Proposed name of the subdivision;

(2) Names and addresses of owner and subdivider and the engineer or surveyor who prepared the plans;

- (3) Street pattern, showing the names (which shall not duplicate names of other streets in the county) and widths of rights-of-ways of streets, and widths of crosswalks, easements and alleys;
- (4) Layouts of lots, showing dimensions, area and numbers;
- (5) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes;
- (6) Building setback or front yard lines;
- (7) Key plan, legend and notes; and
- (8) Scale, north point and date.

Note: The plan and information called for in divisions (B) and (C) above may be submitted on one or more sheets or maps but shall be of the size required under division (C) above.

(E) Certification or other evidence of approval by the Wayne County Health Officer of the proposed plans in respect to the proposed means of sewage disposal and the size of lots.

(F) A true copy of the proposed protective covenants or private restrictions, if any, to be incorporated in the plat of the subdivision.

(G) Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located, as to general plans for the entire neighborhood. (Reference should be made to the Master Plan for suggestions as to the general street pattern and design of the neighborhood.)
(Ord. passed 12-6-2005)

§ 157.026 HEARING.

Notice and public hearing. After the Planning Director has announced a date for a hearing before the Plan Commission, it shall:

- (A) Notify the applicant in writing.
- (B) Give notice of the hearing by publication in accord with I.C. 5-3-1.
- (C) Provide due notice to interested parties at least ten days before the date set for the hearing.

(D) The public hearing will be conducted as outlined in the Rules of Procedure for the Plan Commission.

(Ord. passed 12-6-2005)

§ 157.027 RULES.

The Plan Commission shall from time to time establish rules for procedure, such as the process of hearings, notice, etc., which will be governing and will control all hearings of the Commission.

(Ord. passed 12-6-2005)

PLAT COMMITTEE

§ 157.030 APPOINTMENT.

The Plan Commission may appoint a Plat Committee to hold hearings on matters delegated to it on behalf of the Plan Commission.

(Ord. passed 12-6-2005)

§ 157.031 MEMBERSHIP.

(A) *Number of members.* The Plat Committee shall consist of three or five persons, with at least one of the members being a member of the Plan Commission.

(B) *Term.* The appointment of a member of the Plat Committee is for a term of one year, but the Commission may remove a member from the Committee.

(1) The Commission must mail notice of the removal along with written reasons for the removal.

(2) A member who is removed may not appeal the removal to a court or otherwise.

(Ord. passed 12-6-2005)

§ 157.032 QUORUM.

The Plat Committee may take action only by a majority vote of Committee members.

(Ord. passed 12-6-2005)

§ 157.033 MEETINGS.

The Plat Committee meetings shall be scheduled by the Planning Director as needed to review and conduct hearings on behalf of the Plan Commission. All meetings shall be open to the public.
(Ord. passed 12-6-2005)

§ 157.034 POWER.

(A) The Plat Committee has the power to act in the following matters.

(B) *Minor subdivisions.* A minor subdivision of land that does not involve the opening of a new public way and that complies in all other respects with the subdivision control ordinance and zoning ordinance may be granted primary approval by the Plat Committee without public notice and hearing subject to appeal to the Plan Commission.
(Ord. passed 12-6-2005)

APPROVALS

§ 157.040 PRIMARY APPROVAL BY PLAT COMMITTEE; MINOR SUBDIVISION.

(A) *Review of application.* For minor subdivision that does not involve the opening of a new way:

(1) The Planning Director shall review the application for technical conformity with the standards fixed in the subdivision control ordinance.

(2) Within 30 days after receipt of the application, the Plat Committee shall review the application and grant primary approval or deny primary approval.

(3) Within ten days after primary approval or denial, the Planning Director shall provide for due notice to interested parties of their right to appeal to the Plan Commission the primary approval or disapproval of the plat, or the imposition of a condition on primary approval by the Plat Committee.

(B) *Appeals procedure.*

(1) An applicant or other interested party may appeal to the Plan Commission the primary approval or disapproval of a plat, or the imposition of a condition on primary approval by the Plat Committee.

(2) A notice of appeal must be filed with the Plan Commission within ten days after a copy of the action of the Plat Committee is mailed to the interested party or applicant.

(3) If an appeal is filed, notices shall be given and a public hearing held by the Plan Commission in the same manner as outlined in § 157.041.
(Ord. passed 12-6-2005)

§ 157.041 PRIMARY APPROVAL BY PLAN COMMISSION; MAJOR SUBDIVISION.

(A) Review of application.

(1) The Planning Director shall review the application for technical conformity with the standards fixed in the subdivision control ordinance.

(2) Within 30 days after receipt of the application, the Planning Director shall announce the date of a hearing before the Plan Commission.

(3) The Planning Director shall transmit the plat and construction plans to appropriate agencies (utilities, government agencies, etc.) as deemed necessary for review and comment. The Planning Director shall request that a report be returned within 15 days after receipt of the request.

(B) Primary approval.

(1) If, after the public hearing, the Plan Commission determines that the application and plat comply with the requirements in the subdivision control ordinance, it shall make written findings and a decision granting primary approval to the plat.

(2) If, after the public hearing, the Plan Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy.

(3) Any decision must be signed by the Plan Commission secretary.

(4) The Plan Commission has the power to approve, disapprove, or impose conditions on the approval of plats.

(5) The primary approval by the Plan Commission of a plat must be certified on behalf of the Commission by the Plan Commission secretary.

(6) Primary approval of a plat shall be effective for a period of 12 months, unless, upon request of the applicant, the commission grants an extension .
(Ord. passed 12-6-2005)

§ 157.042 APPEALS.

(A) The primary approval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that may be reviewed by certiorari.

(B) Said appeal for review shall be presented to the Circuit or Superior Courts of Wayne County within 30 days after the date of the decision of the Plan Commission.
(Ord. passed 12-6-2005)

§ 157.043 SECONDARY APPROVAL.

The following secondary approval documents are to be submitted.

(A) Engineering plans and any other prerequisites established on primary approval showing the following information:

(1) Profiles, typical cross-sections and specifications for proposed street improvements; and

(2) Profiles and other explanatory data concerning the installation of sanitary and storm sewage systems and water distribution system, including elevations, minimum lengths and sizes of all culverts, pipes, drop inlets, head walls and other drainage information.

(B) A plat submitted for secondary approval shall meet the following specifications:

(1) The original drawing of the secondary plat of the subdivision shall be drawn to a scale of 100 feet to one inch. The secondary plat shall be drawn on a sheet 24 x 36 inches in size and if the resulting drawing would be over 24 x 36 inches in size, it may be submitted on more than one sheet. The original drawing of one transparency print, and three line prints of the secondary plat and all required signed certifications of approval shall be submitted to the Commission.

(2) Plat requirements for minor subdivision may include all or parts of the documents spelled out for a major subdivision. Prior to preparation of a plat for secondary approval, the developer shall confer with the Planning Director to determine what the minimum requirements are.

(C) The following basic information shall be shown.

(1) All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes; these boundaries to be determined by an accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one foot in 10,000 feet.

(2) The exact location and width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.

(3) Accurate distances and directions to the nearest street corners or official monuments. Reference corners shall be accurately described on a plan. Each plat shall show bearing distance to two monumented and referenced section or quarter section corners and show the origin of the bearing of the lines. There shall be sufficient information on the plat to permit, in the future, accurate relocation of all property corners and street lines.

(4) Accurate metes and bounds description of the boundary.

(5) The accurate location and type of materials of all permanent referenced monuments.

(6) Source of title to the land as shown by the books of the Wayne County Recorder:

(a) Description of title as shown on Wayne County Auditor's Transfer Books.

(b) If more than one owner, statement of proper division of owners of separate lots as they shall be entered on Wayne County Auditor's Transfer Books.

(7) The exact layout, including:

(a) Street and alley lines with accurate dimensions in feet and hundredths of feet; their name, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street);

(b) The length of all arcs-radii, points of curvature and tangent bearings;

(c) All easements, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat);

(d) All lot lines with dimensions in feet and hundredths and with bearings and angles to minutes if other than right angles to the street and alley lines.

(8) Lots and blocks numbered in numerical order.

(9) The accurate outline and dimensions of all property:

(a) Which is offered for dedication for public use, and of all property which may be reserved for acquisition by a public agency for such use of;

(b) Which may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated therein.

(10) In case the subdivision is traversed by a watercourse, channel, stream or creek, the present and any prior locations of such watercourse, channel, stream or creek.

(11) Building setback lines as fixed by the zoning ordinance and any other setback lines or street lines established by public authority, and those stipulated in the deed restrictions.

(12) Private restrictions, if any:

(a) Boundaries of each type of use restrictions;

(b) Other private restrictions for each definitely restricted section of the subdivision.

(13) Name of the subdivision and name of number of the largest subdivision or tract of which the tract being subdivided forms a part.

(14) Names and locations of adjoining subdivisions and location and ownership of adjoining un-subdivided property.

(15) Names and addresses of the owner of record, the subdivider and the engineer or surveyor who prepared the plat.

(16) North point, scales (numerical or graphic), and date.

(17) Statement that any lot transferred will have a width and area the same as those shown on the plat.

(18) Certification by a registered professional engineer or surveyor or the effect that:

(a) The plat represents a survey made by him and that all monuments indicated thereon actually exist and their location, size and material are correctly shown; and

(b) That all requirements of these subdivision regulations have been fully complied with.

(19) A certificate by the owner of the land in substantially the following form. This certificate shall be executed as a conveyance is executed.

"As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plan".

(20) A certificate issued by the Wayne County Treasurer to the effect that there are no unpaid special assessments on any of the land included in the plat.

(21) Certificate of dedication of street and of other properties offered for dedication for public uses.

(22) Certificates for approval by the Commission.
(Ord. passed 12-6-2005)

§ 157.044 SECONDARY APPROVAL PROCEDURE.

(A) The Plan Commission has authority to grant secondary approval on all major plats or delegate to the Plat Committee authority to grant such approval.

(B) The Plat Committee shall have authority to grant secondary approval on minor plats and any other matters delegated to it by the Plan Commission.

(C) Secondary approval of a plat may be granted, after expiration of the time period for appeal of primary approval.

(D) Secondary approval does not require notices or public hearing.

(E) Secondary approval request must be submitted by the petitioner to the Plan Director.

(F) Secondary approval may include all or only part of the primary approved plat, submission of a plat for secondary approval covering a portion of the area contained in the primary approved plat may be permitted only after consideration of the effect of the continuity of roads, utilities and services.

(G) When secondary approval of a plat is granted, the plat shall be certified and signed by the president and secretary of the Plan Commission and the Commission seal shall be affixed to the plat.

(H) Secondary approval shall be void unless the plat is properly recorded in the office of the Wayne County Recorder within 12 months after approval. This time limit may be extended by the Plan Commission upon written request of the subdivider.

(I) The filing and recording of the plat is without legal effect unless secondary approval is granted by the Plan Commission or Plat Committee.
(Ord. passed 12-6-2005)

FINANCIAL RESPONSIBILITY - BONDS

§ 157.050 CERTIFICATE OF FINANCIAL RESPONSIBILITY.

In submitting the secondary plat to the Commission, it shall be accompanied by a certificate from the Wayne County Board of Commissioners stating that there has been filed with and approved by that body, one of the following:

(A) A certificate by the Wayne County Engineer and Surveyor that all improvements and installations to the subdivision required by this chapter have been made or installed in accordance with specifications; or

(B) A preliminary bond submitted in compliance with § 157.051 below.

§ 157.051 PRELIMINARY BOND.

(A) If the installation is not completed the developer may be allowed to proceed by posting a bond which shall:

(1) Run to the Wayne County Board of Commissioners;

(2) Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with these subdivision regulations;

(3) Be with surety satisfactory to the Commission; and

(4) Specify the time for completion of the improvements and installations.

(5) If improvements are not completed within a period of time established by the bond, the surety company shall be responsible for the completion of the works within the next 12 months.

(B) The subdivider shall have the option of either of the following courses of action in lieu of providing the bond as specified in this section:

(1) The subdivider may deposit cash money with the Wayne County Auditor in the amount of the bond. In this event, the subdivider shall be entitled to receive progress payments of not more than

90% of the value of any work completed; provided, however, that all such work completed shall been inspected and approved by the appropriate county officials. The remaining 10% of the cash deposit over and above the 90% progress payments shall be retained by the Wayne County Auditor for a period of three years from the date of final approval of the improvements and can be used to repair any defects in workmanship or materials which might develop in such improvements; provided, however, that such 10% of the deposit money shall be paid to the subdivider upon filing of the maintenance bond required by § 157.052. Any payments or release of funds by the Wayne County Auditor shall be made only upon receipt of an approval certificate signed by the President of the Wayne County Board of Commissioners and attested by its Secretary.

(2) The subdivider may file bonds obtained by the contractors who are to perform the several phases of the work to be performed in installing the improvements provided that the amounts of such bonds are in amounts satisfactory to the Wayne County Board of Commissioners for the particular work to be done and provides further that if several bonds are filed as provided in this section all such bonds shall have a common surety.

(Ord. passed 12-6-2005)

§ 157.052 MAINTENANCE BOND FOR STREETS.

(A) The approval of a secondary plat by the Commission shall not be deemed to be an acceptance of the dedication of any public street, road, or highway offered for dedication in such plat.

(B) Before the acceptance of any streets, sidewalks, curb and gutter, sewer or other improvement the subdivision shall furnish a three-year maintenance bond covering such improvements which shall:

(1) Run to the Wayne County Board of Commissioners in an amount equal to 25% of the cost of said improvements as estimated by the applicant and approved by the Wayne County Board of Commissioners.

(2) Provide surety satisfactory to the Wayne County Board of Commissioners.

(3) Warrant the workmanship and materials used in the construction and completion of said improvements to be of good quality.

(4) Warrant the construction has been in accordance with the procedures, regulations, and requirements of these specifications and the approved proposal of the applicant.

(5) Provide that for a period of three years after the date of the Wayne County Board of Commissioner's hearing at which the applicant submitted this maintenance bond, the applicant will, at his own expense, make all repairs to said improvements which may become necessary by reason of

improper workmanship or materials, with such maintenance, however, not to include any damage to said improvements resulting from forces or circumstances beyond the control of said applicant or occasioned by the inadequacy of these specifications.
(Ord. passed 12-6-2005)

DESIGN AND LAYOUT REQUIREMENTS

§ 157.060 GENERAL REQUIREMENTS.

In laying out a subdivision, the subdivider shall comply with the following principles and requirements.

(A) The subdivision shall conform to the principles, standards, and proposals set forth in or contained in the Master Plan.

(1) Whenever a tract to be subdivided embraces any part of a highway, thoroughfare, major street or parkway, so designed on said plan, such part of such public way shall be platted by the subdivider in the location and at the width indicated on the plan.

(2) Where a proposed park or other recreational area, school or other public ground shown in said plan is located in whole or in part within the proposed subdivision, such proposed public ground or park, if not dedicated to the city, county or board of education, shall be reserved for acquisition by the city, county or board of education, as the case may be, within a period by two years by purchase or other means.

(B) Where held appropriate by the Commission, open spaces, constituting a reasonable proportion of the gross acreage of the subdivision, suitably located and of adequate size for parks, playgrounds or other recreational purposes for local or neighborhood use shall be provided for in the proposed subdivision; and if not dedicated to the city or county, as the case may be, shall be reserved for the common use of all property owners in the proposed subdivision by covenant in the deeds.

(C) Due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions.
(Ord. passed 12-6-2005)

§ 157.061 STREET LAYOUT REQUIREMENTS.

The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood.

(A) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

(B) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless, in the opinion of the Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. Cul-de-sacs of reasonable length will be approved where they are appropriate for the type of development contemplated or where necessitated by topography or other limiting conditions. However, such cul-de-sacs should not exceed 500 feet in length if 15 or more lots abut such street.

(C) Minor streets shall be so designed that their use by through traffic shall be discouraged.

(D) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit, but at not less than 60 degrees in any case.

(E) Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half width street or alley, the other half-width of such street or alley shall be platted.

(F) Alleys shall be platted in all business districts, to provide safe access to residential lots fronting on highways, major thoroughfares, and parkways, alleys, shall be platted in the rear of such lots or service drives provided in front thereof. (Alleys will not be approved in other locations in residence districts, unless required by unusual topography or other exceptional conditions.)

(G) Intersections of more than two streets at one point shall be avoided.

(H) Proposed streets shall be adjusted to the contours of the land so as to produce reasonable gradient and more desirable building sites.

(I) Lands abutting principal thoroughfares should be platted with the view to making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such lots; and with the view, also, to minimizing interference with traffic on such trafficways as well as the accident hazard. This may be accomplished in several ways, the choice depending on topography and other physical conditions, the character of existing and contemplated developments, and other pertinent factors as indicated below and on the accompanying exhibit "Development Standards".

(1) By platting the lots abutting such trafficways at generous depth and by providing vehicular access to them by means of either alleys, or service drives in the rear, or frontage access streets next to the thoroughfare, connected therewith at infrequent intervals.

(2) By not fronting the lots on the thoroughfares but on a minor street paralleling the highway at a distance of a generous lot depth, not be less than 200 feet. Private driveways in this case would, of course, connect with such minor street.

(3) By means of a street platted more or less parallel with the highway, 600 to 1,000 feet distant therefrom, from which loop streets or cul-de-sacs would extend toward the thoroughfare and provide access to the lots backing upon the highway.

(4) One of the means just described shall be requires on all federal numbered highways, and any frontage access streets shall be incorporated as a part of the right-of-way of said highway.
(Ord. passed 12-6-2005)

§ 157.062 BLOCK LAYOUT REQUIREMENTS.

Block layout shall be as follows:

(A) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except in the case of an interior street paralleling a principal thoroughfare.

(B) The lengths of blocks shall be such as are appropriate for the locality and the type of development contemplated but normally shall not exceed 1,500 feet where the average size of lots does not exceed one acre in area.

(C) In any block over 900 feet in length the Commission may require that a crosswalk or pedestrian way, not less than 12 feet wide, be provided, near the center and entirely across such block.

(D) The number of intersecting street along highways, thoroughfares and parkways shall be held to a minimum. Wherever practicable, blocks along such trafficways shall be not less than 1,000 feet in length.
(Ord. passed 12-6-2005)

§ 157.063 LOTS.

(A) Every lot shall abut on a dedicated street.

(B) The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of the development contemplated, and shall conform with the provisions of the zoning ordinance, unless stipulated otherwise, herein. Excessive depth in relation to width shall be avoided. (Proportion of 2½ to 1 normally shall be considered a maximum).

(C) Lots for residence purpose shall be at least 65 feet wide at the building line and corner lots shall be platted wider than interior lots in order to permit conformance with the setback on the side street required by the zoning ordinance.

(D) Double frontage lots should not be platted, except, that where desired along principal thoroughfares lots may face an interior street and back on such thoroughfares; in which case an easement for a planting screen, at least 20 feet wide shall be provided along the back of the lots.

(E) Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot abuts.

(F) In case the subdivision lies inside an area designated by a city or town expecting to serve with water and sanitary sewers, and in case:

(1) The water and sanitary facilities to be provided in the subdivision are to be completed with already available such facilities nearby; or

(2) The water supply facilities are to be so connected and a complete sanitary sewer system including an approved central water supply system and the aforesaid complete sanitary system both are to be provided by the subdivider, the minimum lot size shall be as stipulated in the zoning ordinance or such larger minimum size in either case as may be prescribed by the Wayne County Health Department.

(G) Residential lots fronting or abutting on primary thoroughfares and other important trafficways should have a minimum depth of 200 feet to permit buildings to be setback a sufficient distance from such trafficways.

(H) Lots abutting upon a water course, drainage way, channel, or stream shall be of such additional depth or width as required, to provide an acceptable building site, whose edge shall be the same as the easement dedicated for such water course.

(Ord. passed 12-6-2005)

§ 157.064 EASEMENTS.

(A) Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of 15 feet, and where located along lot lines, one-half of the width shall be taken from each lot. Before determining the location of easements the plan shall be discussed with utility officials to assure their proper placing for the installation of such services. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors.

(B) Where a subdivision is traversed by a water course, drainage way, channel or stream there shall be provided a drainage easement conforming substantially with the line of such water course. It shall include an additional area, outside the watercourse, drainage way, channel or stream, of a least 15 feet wide and shall include both edges of the flood plain area as designated by the Wayne County Surveyor or as a certified by the subdivider or his engineer.

(C) Where a subdivision is traversed by a legal drain as defined by the Indiana drainage laws, there shall be provided a drainage right-of-way conforming substantially with the line of such drain. It shall include an additional area, outside the drainage way, of 75 feet on both sides of the legal drain. The 75 feet is to be measured at right angles to the centerline of a title drain and to be measured at right angles from the existing top edge of each bank of an open drain as determined by the County Surveyor.
(Ord. passed 12-6-2005)

§ 157.065 BUILDING SETBACK LINES.

Building setback line shall be as required by the zoning ordinance and as follows:

(A) Along state or federal numbered highways and along thoroughfares designated in the Wayne County Major Highway Plan, a minimum distance of 60 feet measured from officially established right-of-way lines on said plan.

(B) In all other cases, the minimum distance required by the zoning ordinance, but in no case less than 25 feet in residential or manufacturing developments.
(Ord. passed 12-6-2005)

§ 157.066 PUBLIC OPEN SPACES.

(A) Where sites or locations for parks, schools, playgrounds, or other public uses proposed in the Master Plan are located within the subdivision area or where such sites are deemed to be desirable by the Commission, the Commission may request their dedication for such purposes or their reservations for a period of three years following the date of approval of the final plat. In the event the governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period may be extended for an additional one year.

(B) Failure to acquire said area by voluntary means within the designated time, shall waive the requirements of division (A) above the said area shall thereafter be free of such reservation for public acquisition.
(Ord. passed 12-6-2005)

§ 157.067 NATURAL SURFACE DRAINAGE.

If there is natural surface drainage across the subdivision from adjoining lands, easements of sufficient width shall be provided, and if necessary, drains of sufficient capacity constructed to provide proper drainage of said adjoining tracts for both present use and future development, the size and location to be determined by the Wayne County Drainage Committee.
(Ord. passed 12-6-2005)

MINIMUM STANDARDS OF IMPROVEMENTS**§ 157.070 GENERAL CONFORMANCE REQUIREMENTS.**

(A) All of the improvements required under these regulations shall be constructed prior to filing with the Commission of the secondary plat for final approval, in accordance with the specifications and under the supervision of the officials having jurisdiction; or

(B) In lieu of construction of said improvements as above specified, the subdivider shall furnish a bond which shall run to the Wayne County Board of Commissioners in an amount determined by the Commission to be sufficient to complete the improvements and installation in compliance with this chapter, and be with surety, satisfactory to the Commission, as more fully specified in § 157.052. (Ord. passed 12-6-2005)

§ 157.071 MONUMENTS AND MARKERS.

Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument is level with the surface of the surrounding ground.

(A) Monuments shall be set as follows:

- (1) At the intersection of all lines forming angles in the boundary of the subdivision;
- (2) At or near the intersection of street right-of-way lines.

(B) Markers shall be set as follows:

- (1) At the beginning and ending of all curves along street property lines;
- (2) At all points where lot lines intersect curves, either front or rear;
- (3) At all angles in property lines of lots;
- (4) At all other lot corners.

(C) Monuments shall be of concrete or stone with a minimum size of four inches by four inches by three feet, and shall be marked on top either with an iron or copper dowel set flush with the top of the monument. Markers shall consist of iron pipes or steel bars at least three feet long, and not less than one inch in diameter.

(Ord. passed 12-6-2005)

§ 157.072 STREETS.

Street and alleys shall be completed to grades shown on plan profiles and cross-sections prepared by the subdivider and approved by the Commission. All street plans must conform to the requirements in §§ 157.100 through 157.112.

(Ord. passed 12-6-2005)

§ 157.073 SEWERS.

The subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with a sanitary sewer outlet approved by the Indiana Department of Health, except that when such approved outlet is not available one of the following methods of sewage disposal shall be used.

(A) A complete sanitary sewer system to convey the sewage to a treatment plant to be provided by the subdivider in accordance with minimum requirements of the Indiana Department of Health. When a sanitary sewer system is installed it shall include all laterals and service sewers to the property line of lots to be served.

(B) A satisfactory septic system for each lot, supplied pursuant to the provisions of § 157.074 below.

§ 157.074 SEPTIC SYSTEM.

(A) Private sewage disposal systems on individual lots, consisting of a septic tank and tile absorption field or other approved sewage disposal systems, are to be installed in accordance with minimum standards of the Indiana Department of Health, on lots sized according to the chapter; or such larger lots in each case as may be required by the Wayne County Health Officer to ensure the satisfactory functioning of such private sewage disposal system.

(B) The plans for the installation of a sanitary system shall be prepared by the subdivider and approved by the Wayne County Health Officer, and the plans for such systems as built shall be filed with the Commission. In case percolation tests are required by the Health Officer, they shall be conducted according to his instructions and at the subdivider's expense.

(C) The phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to shall be installed by the owner of the lots in accordance with these regulations.

(Ord. passed 12-6-2005)

§ 157.075 WATER.

(A) The subdivider shall provide a complete water main supply system which shall be connected to a municipal or community water supply approved by the Indiana Department of Health; except, that when such municipal or community water supply is not available the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum requirements of the Indiana Department of Health.

(B) The plans for the installation of a water main supply system shall be prepared by the subdivider and approved by the Indiana Department of Health. Upon the completion of the water supply installation, the plans for such systems as built shall be filed with the Commission.

(C) The phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to shall be installed by the owner of the lots in accordance with these regulations.

(Ord. passed 12-6-2005)

§ 157.076 STORM DRAINAGE.

(A) The subdivider shall provide an adequate storm water system whenever curb and gutter is installed and/or when the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the natural surface drainage is deemed adequate, easements shall be provided for surface drainage, unless curb and gutter and storm water sewers are installed.

(B) The phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the owner of the lots in accordance with these regulations and the Wayne County Drainage Board.

(Ord. passed 12-6-2005)

STREETS AND ROADWAYS**§ 157.080 MINIMUM RIGHT-OF-WAY WIDTHS OF STREETS, ALLEYS AND EASEMENTS FOR UTILITIES.**

(A) *Primary thoroughfare*: As specified on the Wayne County Major Highway Plan, but not less than 80 feet in any case.

(B) *Secondary thoroughfares*: As specified on the Wayne County Major Highway Plan, but not less than 60 feet in any case.

(C) *Collector streets*: 60 feet.

(D) *Minor streets*: 50 feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of 100 feet.

(E) *Alleys*: 20 feet.

(F) *Easements for utilities along rear or side lot lines for utilities*: 15 feet.

(G) In business or manufacturing subdivision the above minimum right-of-way widths of streets and alleys shall be increased in accordance with requirements of the Plan Commission.
(Ord. passed 12-6-2005)

§ 157.081 MINIMUM PAVEMENT WIDTHS.

(A) Minimum pavement widths, face to face of curb, required to be installed at the subdivider's expense shall be as follows:

(1) *Primary and secondary thoroughfares and parkways as shown on the Wayne County Major Highway Plan*: 44 feet.

(2) *Collector streets*: 36 feet.

(3) *Minor streets*: 28 feet. For distance from back of curb to back of curb using an integral curb and gutter add one to six feet to each side.

(4) The pavement of a turning circle at the end of a cul-de-sac street have a minimum outside diameter of 80 feet.

(5) *Alleys*: Full width of the right-of-way - 20 feet.

(B) All minor street pavements without curb and gutter shall be 24 feet minimum width.
(Ord. passed 12-6-2005)

§ 157.082 STREET GRADES, CURVES AND SIGHT DISTANCES.

(A) The grades of streets shall be not less than 0.5% and shall not exceed the following:

(1) *Primary thoroughfares so designated on the Wayne County Major Highway Plan*: 4%;

(2) *Secondary thoroughfares and parkways*: 6%;

(3) *Collector streets*: 8%;

(4) *Minor streets and alleys*: 10%;

(5) *Pedestrian ways or crosswalks*: 12% unless steps of an acceptable design are to be constructed.

(B) All changes in street grades above 1% shall be connected by vertical curves of a minimum length in feet equal to 80 times the algebraic difference in the rate of grade for thoroughfares and parkways, and one-half of this minimum for all other streets.

(C) The radii of curvature on the center line shall not be less than the following:

(1) *Primary and secondary thoroughfares*: 500 feet;

(2) *Collector streets*: 200 feet;

(3) *Minor streets*: 100 feet;

(4) The tangent distance between reverse curves shall be a minimum of 100 feet.
(Ord. passed 12-6-2005)

§ 157.083 INTERSECTIONS.

(A) At street and alley intersections property line corners shall be rounded by an arc, the minimum radius of which shall be 20 and 10 feet respectively. In business districts a chord may be substituted for such arc.

(B) Minor street intersections shall be rounded by radii of at least 20 feet.

(C) Intersections involving primary and secondary thoroughfares, parkways and collector streets shall be rounded by radii of at least 35 feet.

(D) The above minimum radii shall be increased when the smallest angle of intersection is less than 90 degree.

(Ord. passed 12-6-2005)

§ 157.084 CURB AND GUTTER.

Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curb and gutter, or wherever the proposed subdivision will have lots averaging 20,000 square feet of less in area, the Commission shall require curb and gutter to be installed on each side of the street. The curb and gutter shall be of one of the construction types approved by the Wayne County Highway Engineer.

(Ord. passed 12-6-2005)

§ 157.085 DEAD-END STREETS; CUL-DE-SAC.

(A) All dead-ended streets not meeting the definition of a cul-de-sac in the Cambridge City subdivision control ordinance shall be considered as temporarily dead-ended.

(B) Each temporarily dead-ended street shall be terminated by a vehicle turn-around for every case in which such street is proposed to be should logically be extended beyond the plat limits with the following exceptions. A vehicle turn-around will not be required, provided the dead-end street is less than 400 feet in length or is not abutted by more than two lots on either side of the street with the maximum length of the dead-end street not to exceed 400 feet.

(C) An easement of 100 feet diameter shall be provided for all such vehicle turn-arounds.

(D) All such vehicle turn-arounds shall be constructed with seven inches of compacted aggregate base material to an 80-foot diameter and be provided with all other drainage requirements of this chapter. (Ord. passed 12-6-2005)

OFF-STREET IMPROVEMENTS

§ 157.090 SIDEWALKS.

Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, the Commission shall require connecting sidewalks on both sides of the streets which are extensions of existing streets having such sidewalks. Sidewalks on each side of a street within a subdivision shall also be required where the lots average 20,000 square feet or less in area. When sidewalks are provided, they shall be constructed of Portland cement concrete, at least four inches thick and four feet wide.

(Ord. passed 12-6-2005)

§ 157.091 STREET SIGNS.

The subdivider will pay for all street identification signs and posts, provided, supplied, and installed by the Wayne County Highway Department, at their costs, at each intersection in the subdivision so that all street signs will conform to the current signs and posts being used by the Wayne County Highway Department.

(Ord. passed 12-6-2005)

§ 157.092 STREET TREES.

The subdivider shall provide street trees selected from a list of trees recommended by the Wayne County Agricultural Agent. Such trees shall be located on both sides of each street at intervals of from 40 to 60 feet. The position of such trees within the street right-of-way shall be determined by the Commission.

(Ord. passed 12-6-2005)

§ 157.093 UNPAVED AREA.

All unpaved areas within a dedicated street right-of-way shall be graded and seeded or sodded in accordance with Wayne County standards and specifications.
(Ord. passed 12-6-2005)

§ 157.094 STREET PLANS.

Construction plans, including the following, for improvements to be installed, shall be furnished in accordance with the specifications of the Wayne County Engineer or the official having jurisdiction, and shall receive approval of these officials before improvements are installed.

(A) The profile of each proposed street, with tentative grades indicated;

(B) The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of utility mains;

(C) The plans and profiles of proposed sanitary sewers and stormwater sewers, with grades and sizes indicated, or method of sewage or stormwater disposal in lieu of sewers;

(D) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.
(Ord. passed 12-6-2005)

STREET CONSTRUCTION STANDARDS

§ 157.100 INSPECTION.

The Wayne County Engineer shall be notified by the subdivider 48 hours in advance of the starting date of any work on the proposed improvements. All material delivered to the job shall be subject to inspection at the source and/or site, and may be rejected at either location. Final acceptance of the work rests with the Wayne County Engineer and the performance bond shall be retained in full effect until the acceptance of the work is made officially. All inspection of materials and work shall be made at the expense of the owner or subdivider.
(Ord. passed 12-6-2005)

§ 157.101 INTENT OF MINIMUM SPECIFICATIONS.

The intent of these minimum specifications is to provide procedures, regulations, and specifications necessary for the inclusion of right-of-way into the Wayne County, Indiana highway system, said right-of-way to be dedicated to the public use, which affords the means of access to abutting property. (Ord. passed 12-6-2005)

§ 157.102 SPECIAL PROVISIONS.

Specifications for materials, construction and maintenance are Indiana Department of Highways Standard Specifications dated 1988 or any subsequent amendments thereto and any subsequent county ordinance or Wayne County Highway directive. If a conflict arises the Wayne County ordinance and Highway Directive shall prevail. Reference is made to these Standard Specifications by section and number in the following paragraphs. (Ord. passed 12-6-2005)

§ 157.103 STREET CONSTRUCTION INSPECTION.

(A) The interest of Cambridge City and Wayne County is to secure adequately constructed and good quality streets for their future administration and maintenance; the subdivider and/or any of his agents shall permit and cooperate in the inspection of any part of the construction at any time by the Wayne County Highway Engineer or his assigned inspector.

(B) During the course of construction the subdivider shall be required to notify the Wayne County Highway Engineer as follows:

- (1) Forty-eight hours in advance of the starting date of any work;
- (2) After completion of the subgrade, and before any base courses are to be placed;
- (3) Prior to the placing of any pavement;

(4) The subdivider shall not proceed with any work outlined herein until approval is granted by the Wayne County Highway Engineer. (Ord. passed 12-6-2005)

§ 157.104 PAVEMENT DESIGN.

Minimum design standards shall be in accordance with these specifications, including all drawings, details, and cross sections; however, any pavement design required for those special cases not covered by these regulations shall be presented during preliminary discussions. Unusual soil conditions and specialized traffic usage are examples of special cases.

(Ord. passed 12-6-2005)

§ 157.105 DRAINAGE STRUCTURES.

(A) The applicant shall provide for the continued flow or controlled flow of surface water and/or water percolating through the soil (ground water) thereby protecting the right-of-way from water damage.

(B) Opening ditches, pipes, culverts, drop inlets, bridges, headwalls, and similar or related installations shall be utilized to carry water to outlets which may be either natural or artificial water courses or lakes, ponds, etc.

(Ord. passed 12-6-2005)

§ 157.106 STREET CONSTRUCTION.

Minimum requirements for road construction shall be in accordance with the Standard Specifications unless otherwise noted. These minimum specifications shall prevail over the Standard Specifications when in conflict therewith.

(A) Preparation for subgrade shall be done in the following way:

(1) All perishable or unsuitable material including trees, shrubbery, stumps, roots and vegetation shall be completely removed from the roadbed area and disposed of. All peat, muck, marl or any other similar unsuitable material shall be completely removed from the right-of-way and replaced with material which will hold its form. If water is present in any excavated area backfill shall be made with material complying with Standard Specifications, Section 211.02(b).

(2) After the embankment area has been cleared and substantially leveled the ground shall be well compacted with a three-wheeled or a tandem roller weighing at least ten tons or crawler-tread equipment having a bearing of not less than six pounds per square inch of tread or with vibratory compactors, if material at the ground surface is granular. Any embankment placed on this prepared surface shall be constructed in accordance with Standard Specifications, Section 203. After all earth work is substantially complete the subgrade shall be cut, fine graded and dressed for the specified width to

grades conforming to the profile elevations designated in the submitted proposal. All soft, spongy, yielding, and unsuitable material that does not compact to form a nearly uniform density throughout by the use of a three wheel or tandem roller weighing not less than ten ton, shall be removed and replaced with granular material.

(3) All locations not accessible to the roller shall be compacted with mechanical tamps.

(4) All utility service connections, sewers, drains, etc., shall be constructed prior to the construction of surface treatment.

(5) All trenches and excavations shall be backfilled with granular material and compacted to insure no future settlement.

(6) The trench bottom shall conform in shape and size to the lower third of the pipe and shall be uniformly firm and true throughout its length.

(7) In case a firm foundation is not encountered at the required grade, the unstable material shall be removed and replaced with material to a depth that will produce a uniform and stable foundation. (Ord. passed 12-6-2005)

§ 157.107 CEMENT CONCRETE PAVEMENTS.

(A) Type I pavement construction shall be required for primary and secondary thoroughfares and parkways, shall have an eight-inch uniform thickness, shall be air-entrained, and every cubic yard in place shall contain no less than 564 pounds of cement.

(B) Type II pavement construction shall be required for collector and minor streets, shall have a six-inch uniform thickness, shall be air entrained, and every cubic yard in place shall contain no less than 564 pounds of cement.

(C) Joint requirements are as follows:

(1) Transverse contraction joints (premolded strip or sawed) shall be placed at distances not to exceed 20 feet;

(2) Transverse expansion joints shall be placed at intersections where new slabs abut old slabs, and where indicated on the approved plans;

(3) Longitudinal construction joints shall be placed in all pavements more than one traffic lane in width;

(4) No two transverse joints of any kind shall be permitted within ten feet of one another.

(D) Consolidation, finishing and strike-off:

(1) The batches shall be deposited so as to require as little rehandling as possible, but necessary hand spreading shall be done with shovels not with rakes;

(2) After the concrete has been deposited, it shall be compacted, leveled, and finished by approved methods. Competent concrete finishers shall be employed at all times to finish, test, and check the pavement surface. The finished surface shall be free from porous spots, irregularities, depression pockets or rough spots;

(3) The sequence of operation shall be consolidation and strike-off, longitudinal floating, checking and removal or laitance, final finish and curing.

(E) Curing pavement provision shall be made for maintaining concrete in a moist condition for four days. In lieu of moist curing, an improved impervious membrane cure may be used.

(F) Sealing cracks and joints: Refer to Standard Specifications, Section 501.19.
(Ord. passed 12-6-2005)

§ 157.108 HOT ASPHALTIC CONCRETE PAVEMENTS.

Any specification for materials, construction, and maintenance under this section has been developed from the 1999 Indiana Department of Highway Standard Specifications and any amendment thereto, by any subsequent Ordinance passed by the Wayne County Commissioners, and by Wayne County Highway Department Directives. If a conflict arises, any subsequent ordinance and the Highway Department directive shall prevail. Reference is made to these Standard Specifications by section and number herein. The following sub-headings shall be considered integral parts of this type of pavement.

(A) *Compacted aggregate base*. This item shall consist of a foundation course of compacted dense-graded aggregate placed in layers not to exceed four inches on a prepared subgrade in compliance with these specifications and Standard Specifications, Section 303, except that calcium chloride will not be required.

(B) *HMA base*. This item shall consist of a hot mixed, hot laid asphaltic concrete base course. Refer to applicable provisions of Standard Specifications, Section 402.04(a).

(C) *HMA intermediate*. This item shall consist of a hot mixed, hot laid asphaltic concrete binder course. Refer to applicable provisions of Standard Specifications, Section 402.04(b).

(D) *HMA surface*. This item shall consist of a hot mixed, hot laid asphaltic concrete constructed as a medium-texture course. Refer to Standard Specifications, Section 402.04(c).

(E) *Pavement types*:

(1) Type I pavement construction shall be required for primary and secondary thoroughfares. Type I pavement shall have a 110 pound per square yard surface course, a 550 pound per square yard base course, and an eight-inch compacted aggregate base.

(2) Type II pavement construction shall be required for collector streets. Type II pavement shall have a 110 pound per square yard surface course, a 440 pound per square yard base course, and an eight-inch compacted aggregate base.

(3) Type III pavement construction shall be required for minor streets. Type III pavement shall have a 110 pound per square yard surface course, a 330 pound per square yard base course or binder course, and an eight-inch compacted aggregate base.

(Ord. passed 12-6-2005)

§ 157.109 CURBS AND GUTTERS.

Cement concrete curbs and gutters, when required, shall consist of plain concrete curb, integral curb, or combined curb and gutter in conformance with applicable provisions of Standard Specifications, Sections 605 and 607 and these specifications. Every cubic yard of concrete in place shall contain no less than 564 pounds of cement.

(Ord. passed 12-6-2005)

§ 157.110 CEMENT CONCRETE SIDEWALKS.

This item consists of four-foot wide by four-inch deep sidewalks constructed on a prepared subgrade in conformance with applicable provisions of Standard Specifications, Section 604 and these specifications. Every cubic yard of concrete in place shall contain no less than 564 pounds of cement. When completed the sidewalk shall be cured for not less than 96 hours.

(Ord. passed 12-6-2005)

§ 157.111 FINISHING SHOULDERS, DITCHES AND SLOPES.

This item consists of the final shaping, dressing and protection from erosion of shoulders ditches and slopes in conformance with the cross sections.

(A) In general, all shoulders, side slopes, and ditches shall be protected from erosion by seeding and mulching as soon as possible after construction.

(1) Apply fertilizer as determined by soil tests or at the minimum rate of 1,000 pounds of 12-12-12 fertilizer (or its equivalent) per acre.

(2) The amount of pure live seed per acre shall be: 35 pounds of tall fescue or 20 pounds of bluegrass with 20 pounds of creeping red fescue, and a nurse crop of one bushel of oats, rye, or wheat.

(3) Work in fertilizer two inches deep where possible and seed grass seed one-quarter inch deep by firming or compacting the soil.

(4) Mulch areas with straw or suitable materials at a rate of one and one-half tons per acre. Site conditions may require mulch to be anchored.

(B) Earthen ditches side slopes shall be no steeper than 2:1.

(C) All ditch flow lines having grades in excess of 5% shall have a concrete paved side ditch or a hand laid stone riprap side ditch as detailed in the proposal. In general those special cases of erosion not heretofore covered shall be controlled by riprap and slopewall.

(D) All unpaved areas between the edge of the road pavement and the right-of-way line must support an adequate sod before the release of the three year maintenance bond can be made.
(Ord. passed 12-6-2005)

§ 157.112 STREET SIGNS.

(A) The installation of street identification signs shall conform to the current signs being used by the Wayne County Highway Department. In order to have clarity and uniformity, the Wayne County Highway Department will furnish and install said signs at their costs, said costs will be paid by the developer prior to the final acceptance of any street.

(B) In the event that subsequent action by the county modifies the procedure to allow for private installation of street signs, then the developer must install the street signs according to the specifications adopted by the county and available at their office and which are to be included as an exhibit to Ordinance passed December 6, 2005.
(Ord. passed 12-6-2005)

*MODIFICATIONS***§ 157.115 MODIFICATION.**

(A) The general principles of design and the minimum requirements for the laying out of subdivisions may be varied by the Commission at the time of platting in the case of a subdivision large enough (50 lots) or more to constitute a more or less self-contained neighborhood to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions, which in the judgment of the Commission make adequate provision for all essential community requirements; provided, however, that no modification shall be granted by the Commission which would conflict with the proposals of the Wayne County Major Highway Plan, or with other features of the Master Plan, or with the intent and purpose of the general principles of design and all other variances by BZA minimum requirements, herein.

(B) In granting modifications, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

(C) Any modification thus granted shall be entered in the minutes of the Commission setting forth the reasons which, in the opinion of the Commission, justified the modification.

(Ord. passed 12-6-2005)

*VARIANCE***§ 157.120 VARIANCE.**

In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions strict compliance with any requirements of these regulations would cause practical difficulty or exceptional or undue hardship, the Commission may at time of platting relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of these regulations or the desirable general development of the neighborhood and the community in accordance with the Master Plan and the zoning ordinance.

(Ord. passed 12-6-2005)

§ 157.121 CONDITIONS TO VARIANCE.

In granting variances, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.
(Ord. passed 12-6-2005)

§ 157.122 NOTATION OF VARIANCE.

Any variance, thus granted, shall be entered in the minutes of the Commission setting forth the reasons which, in the opinion of the Commission, justified the modification, and shall be noted on the face of the plat.
(Ord. passed 12-6-2005)

§ 157.123 VARIANCE AFTER PLATTING.

The Board of Zoning Appeal shall have sole jurisdiction over any variance to a plat after it has been granted secondary approval.
(Ord. passed 12-6-2005)

IMPROVEMENT LOCATION PERMITS

§ 157.130 TEMPORARY MODEL HOME.

Whenever a subdivision has received primary approval by the Plan Commission, the Commission may authorize the issuance of temporary building permits for the construction of two model homes to be used for display only. There shall not be any residential use of the model homes until the plat of the subdivision has received secondary approval by the Commission.
(Ord. passed 12-6-2005)

§ 157.131 FEES.

Certification that a fee has been paid to the General Fund which shall be in the amount as set forth in the Cambridge City Fee Schedule Ordinance or zoning ordinance.
(Ord. passed 12-6-2005)

CERTIFICATES AND DEDICATION; VALIDITY; ADOPTION

§ 157.135 SECONDARY APPROVAL CERTIFICATES.

The Plan Director may issue a secondary approval certificate as follows.

(A) Certificates of approval by the appropriate public officials and also by public utility officials concerning the satisfactory completion of improvements within their respective jurisdiction, shall be on file when required.

(B) Certificate of approval by the Cambridge City Town Attorney as to dedication of streets or roads and any covenants or restrictions therein, shall be on file when required.

(C) A certificate by the Wayne County Treasurer to the effect that there are no unpaid taxes or unpaid special assessments on any of the land included in the subdivision shall be on file when required.

(D) Each secondary plat submitted to the Commission for approval shall carry a certificate signed by a registered professional engineer or land surveyor in substantially the following form:

I, hereby certify that I am a Professional Engineer, (or Land Surveyor), licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on _____; that all the monuments shown thereon actually exist; and that their location, size, type and material are accurately shown.

(SEAL)

Signature

(E) Each secondary plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

We, the undersigned, _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as _____, an addition to _____. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front yard building set back lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground, _____ feet in width as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water, gas and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent buildings or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities. No pipe, tile or any other obstruction shall be placed in any street drain side ditch without written approval of the Wayne County Highway Department.

(Additional dedications and protective covenants, on private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Commission or listed on separate sheets and referred to in this deed of dedication giving date, book and page location of said separate covenants; important provisions are those in the case of residential use, the minimum habitable floor area.)

The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January _____, (a twenty-five (25) year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive periods of ten (10) years, unless changed by vote of a majority of the then owners of the building sites covered by these covenants (or restrictions), which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witness our hands and Seals this ____ day of _____, ____.

State of Indiana
County of Wayne

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____, _____, and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed for the purpose therein expressed. Witness my hand and Notarial Seal this ___ day of _____, 20__.

Notary Public

(F) The following shall be attached for certification by the Commission:

UNDER AUTHORITY PROVIDED BY I.C. 36-7-04 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THEREOF, AND AN ORDINANCE ADOPTED BY THE CAMBRIDGE CITY TOWN COUNCIL, THIS PLAT WAS GIVEN SECONDARY APPROVAL BY THE CAMBRIDGE CITY ADVISORY PLAN COMMISSION AS FOLLOWS:

Secondary Approval, granted by the Cambridge City Advisory Plan Commission at a meeting held _____.

Secretary

(Ord. passed 12-6-2005)

§ 157.136 VALIDITY.

If any section, clause, provision or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this chapter.

(Ord. passed 12-6-2005)

§ 157.137 ADOPTION.

This chapter shall be in force and effect from and after its passage. Passed by the Town Council of the Town of Cambridge City, Wayne County, Indiana on the 6th day of December, 2005.

(Ord. passed 12-6-2005)

CHAPTER 158: INCORPORATED JURISDICTIONAL AREA SUBDIVISION

Section

General Provisions

- 158.01 Establishment of control
- 158.02 Definitions
- 158.03 Plat certificates

Procedure

- 158.10 Preliminary considerations
- 158.11 Application for approval
- 158.12 Approval
- 158.13 Final plat
- 158.14 Final plat approval

Principles and Standards

- 158.20 Principles of design
- 158.21 Standards of improvements

GENERAL PROVISIONS

§ 158.01 ESTABLISHMENT OF CONTROL.

No plat or re-plat of a subdivision of land located within the jurisdiction of the Town of Cambridge City Town Plan Commission shall be recorded until it shall have been approved by the Town of Cambridge City Town Plan Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission.

(1981 Code, § 3.301)

§ 158.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include the future tense. The term *SHALL* is always mandatory.

ALLEY. A permanent service way providing a secondary means of access to abutting lands.

BLOCK. Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway or other definite barrier.

BUILDING SET BACK LINE. The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

COMMISSION. The Town of Cambridge City Town Plan Commission.

CUL DE SAC (COURT or DEAD END STREET). A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

EASEMENT. A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specific purposes.

LOT. A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.

MASTER PLAN. The complete plan, or any of its parts, for the development of the town prepared by the Commission and adopted in accordance with Chapter 174, Acts of 1947, General Assembly of Indiana, as it is now or may hereafter be in effect.

PLAT. A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

STREET. A right-of-way, dedicated to the public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place or other appropriate name. A street may also be identified according to type of use, as follows:

(1) **ARTERIAL STREETS.** Those designated for large volumes of traffic movement. Certain arterial streets may be classified as business streets, parkways, primary or secondary arterials, and others as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

(2) **FEEDER STREETS.** Important streets planned to facilitate the collection of traffic from residential streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets. Certain feeder streets may be classified as primary or secondary feeder streets.

(3) **RESIDENTIAL STREETS.** Those designated primarily to provide access to abutting residential properties. Certain residential streets may be a cul-de-sac or marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

SUBDIVISION.

(1) The division of any parcel of land shown as a unit, part of a unit, or as contiguous units on the last preceding transfer of property into two or more parcels, sides, or lots, any one of which is less than five acres in area for the purpose, whether immediate or future, of transfer of ownership, provided however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange does not create additional building sites, shall not be considered a subdivision; or

(2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

THOROUGHFARE PLAN. The part of the Master Plan, now or hereafter adopted which sets forth the location, alignment, dimensions, identification and classification of existing and proposed public streets, highways and other thoroughfares.

TOWN. The Town of Cambridge City, Indiana.
(1981 Code, § 3.302)

§ 158.03 PLAT CERTIFICATES.

The following forms of certificates shall be used in final plats.

CERTIFICATES

(A) UNDER AUTHORITY PROVIDED BY CHAPTER 174 - ACTS OF 1947 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF CAMBRIDGE CITY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN OF CAMBRIDGE CITY AS FOLLOWS:

Approved by the Town Plan Commission at a meeting held _____.

President

Secretary

(B) Each final plat submitted to the Commission for approval shall carry a certificate signed by a Registered Professional Engineer or Land Surveyor, in substantially the following form:

"I, (name) , hereby certify that I am a Professional Engineer (or a Land Surveyor), licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on (date) that all the monuments shown thereon actually exist; and that their location size, type and material are accurately shown."

(SEAL) (signature)

(C) Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

"We the undersigned (names) owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as (name) an addition to (name) . All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground (number) feet in width as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendation of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants, (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20__ (a twenty-five (25) year period is suggested), at which time said covenants, (or restrictions) shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns."

Witness our Hands and Seals this ___ day of _____, 20__

State of Indiana)
) ss
County of Wayne)

Before me the undersigned Notary Public, in and for the County and State, personally appeared (name), (name), (name), and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this ___ day of _____, 20__

Notary Public

Notary Public My commission expires: _____
(1981 Code, § 3.310)

*PROCEDURE***§ 158.10 PRELIMINARY CONSIDERATIONS.**

(A) In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider should consult with the Commission prior to the preparation of the tentative plan of the subdivision. The Master Plan should be reviewed to determine how the proposed subdivision will fit into the Plan. Requirements of the Thoroughfare Plan, school and recreational sites; shopping centers; community facilities; sanitation, water supply and drainage; and relationship to other developments, existing and proposed, in the vicinity, should be determined in advance of the preparation of the subdivision plan. A thorough estimate of the situation will result in sound decisions with respect to the form, character and extent of the proposed subdivision.

(B) No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and the community as a whole.

(1981 Code, § 3.303)

§ 158.11 APPLICATION FOR APPROVAL.

(A) A person or corporation desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Commission shall submit a written application therefor to the Commission at least ten days prior to the date of a regular or special Commission meeting. Such applications shall be accompanied by the following information and plans:

- (1) A location map showing:
 - (a) Subdivision name and location.
 - (b) Major existing thoroughfares related to the subdivision.
 - (c) Public transportation lines.
 - (d) Community or neighborhood stores.
 - (e) Elementary and high schools.

- (f) Parks and playgrounds.
- (g) Other community features.
- (h) Title, scale, north point and date.

(2) The location map need not be a special drawing. The data may be shown by notations on available maps.

(B) A site map showing:

(1) Topographical data in one of the following forms, which shall be determined by the Commission during preliminary consideration of the plan:

(a) A contour map with contours at vertical intervals of two feet if the general slope of the site is less than 10%, and at vertical intervals of five feet if the general slope is greater than 10%.

(b) A land inspection sketch showing terrain features, wooded areas, buildings and other natural or artificial features which would affect the plan of the subdivision.

(2) Tract boundary lines, showing dimensions, bearings, angles, and references to section, township and range lines or corners.

(3) Streets and rights-of-way, on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, tree planting and other pertinent data.

(4) Easements: locations, widths and purposes.

(5) Utilities, including sanitary and storm sewers, other drainage facilities; water lines, gas mains; electric utilities and other facilities. Size or capacity of each should be shown and the location of or distance to each existing utility indicated.

(6) Zoning of the site and adjoining property.

(7) Existing or proposed platting of adjacent land.

(8) Other features or conditions which would affect the subdivision favorably or adversely.

(9) Title, scale, north point and date.

(C) A tentative plan of the subdivision, drawn to a scale of 50 feet to one inch or 100 feet to one inch, provided however, that if the resulting drawing would be over 36 inches in shortest dimension, a scale as recommended by the Commission may be used. The tentative plan shall show:

(1) Proposed name of the subdivision.

(2) Names and addresses of owner and subdivider and the City Planner, land planning consultant, engineer or surveyor, who prepared the plan.

(3) Street pattern, showing the names (which when not extensions of existing streets, shall not duplicate other names of streets in the community) and widths of rights-of-way of streets, and widths of easements or alleys.

(4) Layout of lots, showing dimensions and numbers.

(5) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.

(6) Building setback or front yard lines.

(7) Key plan, legend and notes.

(8) Scale, north point and date.

Note: The information called for in items (B) and (C) above, may be submitted as one or two maps or plans.

(D) Engineering plans showing:

(1) Profiles, typical cross-sections and specifications for proposed street improvements.

(2) Profiles and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution system.

(E) A description of the protective covenants or private restrictions to be incorporated in the subdivision plat.

(F) Information as to any agreements which have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located, as to general plans for the entire neighborhood. Reference should be made to the Master Plan for suggestions as to the general

street pattern and design of the neighborhood. Wherever possible all of the property owners within the neighborhood should endeavor to agree upon a general plan for its development, in order that each subdivision may be designed as an integral part of a well-considered overall plan.

(G) The application shall be accompanied by a certified check or money order in the amount of \$10 plus \$0.25 for each lot in the proposed subdivision with a minimum total charge of \$15 to cover the cost of checking and verifying the proposed plat, and such amount shall be deposited in the General Fund. (1981 Code, § 3.304)

§ 158.12 APPROVAL.

After an application for approval of a plat of a subdivision, together with two copies of all maps and data, has been filed, the Commission shall review the application and shall approve the plat proposed in the application subject to its receipt of an acceptable final plat, as described in § 158.13, or disapprove the plat, setting forth its reasons in its own records and providing the applicant with a copy. An approval shall be effective for a period of 18 months, unless, upon request of the applicant, the Commission grants an extension. If the final plat is not received by the Commission within the period of time specified, all previous actions by the Commission with respect to the plat shall be deemed to be null and void. After the Commission has given approval, it shall set a date for a hearing, notify the applicant in writing and notify by general publication or otherwise, any person or governmental unit having a probable interest in the proposed plat. The cost of publication of the notice of hearing shall be met by the applicant. (1981 Code, § 3.305)

§ 158.13 FINAL PLAT.

Following the approval of the plan, the Commission will notify the applicant in writing that it is ready to receive the final plat. The final plat shall meet the following specifications:

(A) The plat may include all or only a part of the plan submitted for tentative approval.

(B) The original drawing of the plat of the subdivision shall be drawn to a scale of 50 feet to one inch, provided that if the resulting drawing would be over 36 inches in shortest dimension a scale of 100 feet to one inch may be used. Three black or blue line prints shall be submitted with the original final plat in a manner which will permit the plat to be reproduced by film, litholoid or other suitable photographic process at the designated scale, and in such case three black line prints and a reproducible print shall be submitted. (Reduced print showing form of record plat).

(C) The following basic information shall be shown on the final plat:

- (1) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 5,000 feet.
- (2) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
- (3) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- (4) Accurate metes and bounds description of the boundary.
- (5) Source of title to the land as shown by the books of the County Recorder.
- (6) Street names.
- (7) Complete curve data for all curves included in the plan.
- (8) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.
- (9) Lot numbers and dimensions.
- (10) Easements for utilities and any limitations on such easements.
- (11) Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
- (12) Building setback for front yard lines and dimensions.
- (13) Location, type, material and size of all monuments and lot markers.
- (14) Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- (15) Name of the subdivision.
- (16) Name and address of the owner and subdivider.
- (17) North point, scale and date.
- (18) Certification by a registered professional engineer or land surveyor.

(19) Certificate of dedication of streets and other public property.

(20) Certificate for approval by the Commission.

(D) In submitting the final plat to the Commission it shall be accompanied by one of the following:

(1) A certificate bearing the approval of the Town Street Commissioner, that all improvements and installations to that subdivision required by §§ 158.20 and 158.21 have been made or installed in accordance with specifications; or

(2) A bond which shall:

(a) Run to the town;

(b) Be in an amount determined by the Commission to be sufficient in amount to complete the improvements and installations in compliance with this chapter;

(c) Be with surety satisfactory to the Commission; and

(d) Specify the time for the completion of the improvements and installations.

(1981 Code, § 3.306)

§ 158.14 FINAL PLAT APPROVAL.

Upon a finding by the Commission that the final plat submitted is in accordance with the requirement of this chapter, it shall affix the Commission's seal upon the plat together with the certifying signatures of its president and secretary.

(1981 Code, § 3.307)

PRINCIPLES AND STANDARDS

§ 158.20 PRINCIPLES OF DESIGN.

The tentative plan of the subdivision shall conform to the following principles and standards of design:

(A) *General.* The subdivision plan shall conform to the principles and standards which are generally exhibited in the Master Plan.

(B) *Streets.*

(1) The street and alley layout shall conform to the thoroughfare plan for the development of the neighborhood in which the proposed subdivision is located and shall provide access to all lots and parcels of land within the subdivision. Where streets cross other streets, jogs shall not be created. The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross street should be 120 feet.

(2) Proposed streets should be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

(3) Certain proposed streets where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

(4) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

(5) The widths of streets shall conform to the widths specified according to type of use in the thoroughfare plan, the minimum right-of-way of residential streets being 60 feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of 100 feet. The length of cul-de-sacs should not exceed 600 feet.

(6) Alleys shall be discouraged in residential districts but should be included in commercial and industrial areas where needed for loading and unloading or access purposes and where platted, shall be at least 20 feet in width.

(7) The center lines of streets should intersect as nearly at right angles as possible.

(8) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet radii or by chords of such arcs.

(9) At intersections of streets the property line corners shall be rounded by arcs with radii of not less than 15 feet, or by chords of such arcs.

(10) If the small angle of intersection of two streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.

(11) Intersections of more than two streets at one point shall be avoided.

(12) Whenever the proposed subdivision contains or is adjacent to a highway designated as a limited access highway by the appropriate highway authorities provision shall be made for a marginal access street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway and such street.

(13) Unobstructed sight distance measured from a point five feet above the proposed grade line, to permit horizontal visibility on all streets, must be established along the center line of such streets as follows:

(a) *Limited access highways*: To be determined by the Commission but generally not less than 500 feet.

(b) *Arterial streets and parkways*: 600 feet.

(c) *Feeder and residential streets*: 300 feet.

(14) Curvature measured along the center line shall have a minimum radius as follows:

(a) *Limited access highways*: 1,000 feet.

(b) *Arterial streets*: 500 feet.

(c) *Parkways*: 300 feet.

(d) *Feeder and residential streets*: 200 feet.

(15) Between reversed curves on arterial streets a tangent of not less than 200 feet shall be provided and on feeder and residential streets such a tangent shall be not less than 100 feet.

(16) Maximum grades.

(a) *Arterial streets*: Not greater than 4%.

(b) *Feeder and residential streets*: Not greater than 6%.

(c) The minimum grade of any street gutter shall not be less than 0.3%.

(C) *Blocks*.

(1) Blocks shall not exceed 1,320 feet in length.

(2) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth except where an interior street parallels a limited access highway or arterial street.

(D) *Lots.*

(1) All lots shall abut on a street.

(2) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

(3) Double frontage lots should not be platted, except that where desired along arterial, limited access highways or streets lots may face on an interior street and back on such thoroughfares. In that event a planting strip for a screen, at least 20 feet in width shall be provided along the back of the lot.

(4) Widths and areas of lots shall be not less than provided in the zoning ordinance for single-family dwellings for the district in which the subdivision is located, except that when a water main supply system or a sanitary sewer system are not available, the lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the State Board of Health regulations shall become the required minimum lot area.

(5) Wherever possible, unit shopping centers, based upon sound development standards should be designed in contrast to the platting of lots for unrestricted commercial use.

(6) Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.

(E) *Easements.* Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of ten feet, and where located along lot lines, one-half of the width shall be taken from each lot. Before determining locations the plan of easements shall be discussed with the local public utility companies to assure their proper placing for the installation of such services.

(F) *Building setback lines.* Such lines shall be provided as required in the zoning ordinance or as the Commission may determine, but in no case shall they be less than 25% of the lot depth.

(G) *Public open spaces.* Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the Master Plan, or where such sites appear to be desirable, the Commission may request their dedication for such purposes or their reservations for a period of one year following the date of the final approval of the plat. In the event a government agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six months.

(H) *Variance*. Where the subdivider can show that a provision of this section would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth.

(1981 Code, § 3.308)

§ 158.21 STANDARDS OF IMPROVEMENTS.

The final plan of the subdivision shall conform to the following standards of improvements.

(A) *Monuments and markers*.

(1) Shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument is level with the surface of the surrounding ground.

(2) Monuments shall be set:

- (a) At the intersection of all lines forming angles in the boundary of the subdivision;
- (b) At the intersection of street property lines.

(3) Markers shall be set:

- (a) At the beginning and ending of all curves along the street property lines;
- (b) At all points where lot lines intersect curves, either front or rear;
- (c) At all other lot corners not established by a monument.

(4) Monuments shall be of concrete or stone with a minimum size of six inches by six inches by three feet, and shall be marked on top either with an iron or copper dowel set flush with the top of the monument or a cross scored deeply on top. Markers shall consist of iron pipes or iron or steel bars at least three feet long, and not less than five-eighths inch in diameter.

(B) *Streets*.

(1) Streets (and alleys where provided) shall be completed to grades shown on plans, profiles and cross-sections prepared by the subdivider and approved by the Commission.

(2) The streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be performed in accordance with that section of current ISHC Specifications which applies.

(a) In a subdivision proposed to contain an average of more than two lots per gross acre, or in a subdivision proposed to be located within the corporate limits of the Town of Cambridge City, or in a subdivision proposed to have street or streets which are extensions of existing paved streets, the streets shall be surfaced to a minimum width of not less than 24 feet. Alleys shall be surfaced to their full width. Such street and alley surfaces are to be constructed with plain Portland cement concrete having a seven-inch - five-inch - seven-inch thickened edge balanced design or a six-inch uniform thickness in accordance with ISHC Specifications, Section D1, of a flexible type pavement with two-inch subgrade fine aggregate three inches of bituminous coated aggregate surface, ISHC Specifications, Section D 4.

(b) 1. In a subdivision proposed to contain an average of two or less lots per gross acre, or in a subdivision proposed not having a street or streets as extensions of existing paved streets, the streets shall be surfaced to a minimum width of 36 feet. Alleys shall be surfaced to their full width.

2. As a minimum, such street and alley surfaces shall consist of a base of gravel or stone of depth of eight inches.

3. Prior to placing the street and alley surfaces, adequate to sub-surface drainage for the street shall be provided by the subdivider. Sub-surface drainage pipe, when required, shall be coated corrugated pipe or a similar type not less than 12 inches in diameter approved by the Commission. Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Commission.

(C) *Sewers.*

(1) The subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with a sanitary sewer outlet approved by the town, except that when such approved outlet is not available one of the following methods of sewage disposal shall be used:

(a) A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with minimum requirements of the town.

(b) Private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with minimum standards of the town.

(2) The plans for the installation of a sanitary sewer system shall be prepared by the subdivider and approved by the Commission and the town. Upon the completion of the sanitary sewer installation, the plans for such system as built shall be filed with the Commission.

(3) In this division (C), the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the sewage disposal system referred to, or whenever a private sewage disposal system is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the sewage disposal system referred to in these paragraphs shall be installed by the developer of the lots in accord with these provisions.

(D) *Water.*

(1) The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or community water supply approved by the Town Board of Trustees; except that when such municipal or community water supply is not available, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum requirements of the Town Board of Trustees.

(2) The plans for the installation of a water main supply system shall be prepared by the subdivider and approved by the Commission and Town Board of Trustees. Upon the completion of the water supply installation, the plans for such system as built shall be filed with the Commission.

(3) In this division (D), the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the water main supply system referred to, or whenever a private water system is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the water system referred to in these paragraphs shall be installed by the developer of the lots in accordance with these regulations.

(E) *Storm drainage.* The subdivider shall provide the subdivision with an adequate storm water sewer system whenever the evidence available to the Commission indicates that natural surface drainage is not adequate.

(F) *Curb and gutter.*

(1) In a subdivision proposed to be located within the corporate limits of the Town of Cambridge City, or in a subdivision proposed to have a street or streets which are extensions of streets with curb and gutter, the Commission shall require curb and gutters on each side of the street surface. The curb and gutter may be of one of the construction types shown in Figure 1 or as approved by the Commission, and shall be constructed according to the following specifications.

Figure 1.

*Curb and Gutter Detail - Types A, B, and C
Using Portland cement concrete*

Note: Tie bars to be omitted for rock asphalt or bituminous concrete pavement.

(2) Base for curb will be well compacted on existing base or grade.

(3) Minimum 5½ bag concrete - 4200# test compressive strength; however, state specifications will rule.

(4) The construction of curbs shall be in accordance with current Indiana State Highway Commission (ISHC) Standard Specifications.

(G) *Sidewalks*. When sidewalks are desired by the subdivider, constructed of Portland cement concrete, at least four inches thick and four feet wide and placed one foot from the street property line.

(H) *Street signs*. The subdivider shall provide the subdivision with standard town street signs at the intersection of all streets.

(I) *Street trees*. The subdivider may provide the subdivision with street trees planted at intervals of 40 feet to 60 feet, between street intersections and on both sides of each street, but not in the street right-of-way. The position of the trees shall be determined by the Commission.
(1981 Code, § 3.309)

INDEX

INDEX

ADVISORY PLAN COMMISSION (See also ORGANIZATIONS)

- Compensation, 32.04
- Definitions, 32.01
- Effective date, 32.10
- Election of officers, 32.05
- Establishment, 32.02
- Meetings and records, 32.08
- Membership, 32.03
- Powers and duties, 32.06
- Rules of procedure, 32.09
- Secretary, 32.07

ALCOHOLIC BEVERAGES IN PUBLIC PLACES (See also OFFENSES)

- Consumption prohibited, 130.35
- Open container prohibited, 130.36
- Penalty, 130.99

ANIMALS

- Animal bites and quarantine, 91.05
- Animal sacrifice, 91.16
- Animal waste, 91.13
- Animals in vehicles, 91.15
- Authority to destroy vicious or ferocious animals, 91.22
- Commercial animal establishments, 91.06
- Definitions, 91.01
- Disposition of dead animals, 91.07
- Duty and responsibility of animal owners, 91.08
- Enforcement procedures, 91.20
- General town animal regulations, 91.18
- Impounded animals, 91.21
- Injured animals; action required, 91.12
- Interfering with Animal Control Officer, 91.11
- Jurisdiction, 91.19
- Lost or stray animals, 91.14
- Number of animals limited, 91.17

ANIMALS (Cont'd)

- Penalty, 91.99
- Provisions supplemental to state regulations, 91.23
- Public nuisance animal, 91.03
- Report of vehicular collision with animal, 91.10
- Restraint of animals, 91.02
- Vaccination of dogs, cats and ferrets, 91.09
- Vicious animals, 91.04

BICYCLE REGULATIONS (See also MOTORIZED BICYCLES, TRAFFIC REGULATIONS)

- Carrying articles, 71.08
- Definition, 71.01
- Effect of regulations, 71.12
- Emerging from alley or driveway, 71.07
- Lamps and other equipment on bicycles, 71.11
- Obedience to traffic-control devices, 71.03
- Parking, 71.09
- Riding on bicycles, 71.04
- Riding on roadways and bicycle paths, 71.05
- Riding on sidewalks, 71.10
- Speed, 71.06
- Traffic laws apply to persons riding bicycles, 71.02

BOARD OF FINANCE (See also ORGANIZATIONS)

- Compensation, 32.48
- Designation of depositories, 32.50
- Duties and powers, 32.47
- Establishment, 32.45
- Organization and meetings, 32.49
- Secretary, 32.46

BOARD OF ZONING APPEALS (See also ORGANIZATIONS)

- Compensation, 32.28
- Definitions, 32.25
- Effective date, 32.33
- Election of officers, 32.29
- Establishment, 32.26
- Membership, 32.27
- Records, 32.31
- Rules of procedure, 32.32
- Secretary, 32.30

BUDGETS (See also FINANCE)

- Compensation of members of Council and other town officers and employees, 31.70
- Increase or decrease of appropriation after approval of ordinance, 31.73
- Preparation and approval of ordinance fixing tax rate and making annual appropriations, 31.72
- Preparation of annual budget estimates, 31.71

BUILDING CODE INSPECTOR (See also OFFICIALS)

- Appointment, 30.095
- Duties, 30.096

BUILDING COMMISSIONER (See also OFFICIALS)

- Appointment, 30.080
- Duties, 30.081
- Entry powers, 30.083
- Stop order, 30.082

BUILDINGS

Building Standards

- Adoption of regulations by reference, 153.05
- Application for permits, 153.06
- Authority, 153.03
- Certificate of occupancy, 153.14
- Effective date, 153.19
- Entry, 153.12
- Fees and required inspections, 153.09
- Inspections, 153.11
- Other ordinances, 153.08
- Permit required, 153.07
- Purpose, 153.02
- Remedies, 153.18
- Review of application, 153.10
- Right of appeal, 153.17
- Scope, 153.04
- Standards, 153.15
- Stop order, 153.13
- Title, 153.01
- Violations, 153.16

Enforcement of Building Standards

- Definitions, 153.30
- Emergency action authorized; limitations; costs, 153.36
- Enforcement through civil action authorized, 153.43
- Establishment of Unsafe Building Fund, 153.41
- Hearing, 153.34

BUILDING STANDARDS (Cont'd)

Enforcement of Building Standards (Cont'd)

- Issuance of inspection warrants, 153.42
- Joint and several liability for costs; determination of average processing expense; notice, 153.39
- Manners authorized for performance; bids; notification; service, 153.38
- Modification or rescission of order; notification; service, 153.33
- Noncompliance with order following notice; liability for failure to give notice as to judgment against governmental entity, 153.46
- Order to seal unsafe building performed by contractor, 153.37
- Order; notice, 153.32
- Recording of orders and statements; interest taken subject to orders and statements, 153.45
- Requirements for proper notice, 153.44
- Review by circuit or superior court, 153.35
- Suit for costs, 153.40
- Unsafe building and unsafe premises described, 153.31
- Violations, 153.47
- Penalty, 153.99

CEMETERIES

Capital Hill Cemetery

- Care, 96.02
- Recognition and use, 96.01

Riverside Cemetery

- Care and management, 96.17
- Fees, charges, and payments, 96.25
- Interments, 96.20
- Ownership and title of grave spaces, 96.16
- Penalty, 96.99
- Privileges and restrictions, 96.18
- Purchase and sale of grave spaces, 96.15
- Removals, 96.21
- Rules for visitors, 96.19
- Stones and monuments, 96.22
- Trees, shrubs, and flowers, 96.24
- Vaults and mausoleums, 96.23

CLERK-TREASURER (See also OFFICIALS)

- Administration of oaths; depositions; acknowledgments, 30.034
- Deputies and employees, 30.036
- Election, 30.032
- Powers and duties, 30.035
- Serves as town clerk and fiscal officer, 30.030

CLERK-TREASURER (Cont'd)

- Term of office, 30.031
- Vacancy in office, 30.033

CODE OF ORDINANCES; GENERAL PROVISIONS

- Application to future ordinances, 10.03
- Construction of code, 10.04
- Errors and omissions, 10.09
- General penalty, 10.99
- Interpretation, 10.02
- Limitation periods, 10.12
- Ordinances unaffected, 10.13
- Ordinances which amend or supplement code, 10.14
- Preservation of penalties, offenses, rights, and liabilities, 10.16
- Reasonable time, 10.10
- Reference to offices; name designations, 10.08
- Reference to other sections, 10.07
- Repeal or modification of code section, 10.11
- Rules of interpretation; definitions, 10.05
- Section histories; statutory references, 10.15
- Severability, 10.06
- Title of code, 10.01

COUNCIL

- Building Code Inspector
 - Appointment, 30.095
 - Duties, 30.096
- Building Commissioner
 - Appointment, 30.080
 - Duties, 30.081
 - Entry powers, 30.083
 - Stop order, 30.082
- Superintendent of Public Works
 - Appointment, 30.065
 - Duties, 30.066
- Town Attorney
 - Advice, 30.128
 - Appointment, 30.125
 - Judgments, 30.127
 - Ordinances and documents, 30.130
 - Special assessments, 30.129
 - Suits and actions, 30.126

COUNCIL (Cont'd)

Town Clerk-Treasurer

- Administration of oaths; depositions; acknowledgments, 30.034
- Deputies and employees, 30.036
- Election, 30.032
- Powers and duties, 30.035
- Serves as town clerk and fiscal officer, 30.030
- Term of office, 30.031
- Vacancy in office, 30.033

Town Legislative Body and Executive

- Clerk of legislative body, 30.008
- Designation of town legislative body and executive, 30.001
- Election districts; decennial redistricting, 30.003
- Election of Members of Council, 30.004
- Election of President of Council, 30.007
- Filling vacancies on Council, 30.006
- Issue and sale of bonds authorized, 30.016
- Majority vote; when required, 30.012
- Powers and duties of Council, 30.009
- Publication and notice of ordinances prescribing penalties; exceptions, 30.014
- Quorum, 30.010
- Record of ordinance, 30.015
- Requirements defined; majority vote; two-thirds vote, 30.011
- Residence requirement of Members of Council, 30.005
- Terms of Members of Council, 30.002
- Two-thirds vote; when required, 30.013

Town Marshal and Deputy Marshals

- Appointment; compensation, 30.050
- Deputy Marshals, 30.053
- Powers and duties, 30.052
- Removal from office; discipline; procedure, 30.051

CURFEWS (See also OFFENSES)

- Curfew for persons under 18 years of age, 130.50
- Defenses to curfew violations, 130.51
- Penalty, 130.99

ECONOMIC DEVELOPMENT COMMISSION (See also ORGANIZATIONS)

- Composition and appointment, 32.66
- Conflicts of interest, 32.70
- Duties, 32.71
- Establishment, 32.65
- Organization, 32.67
- Removal from office, 32.69
- Rules and regulations, 32.68

ECONOMIC REVITALIZATION AREAS (See also LAND USAGE)

- Applications for deductions for new manufacturing equipment, 150.67
- Applications for deductions under I.C. 6-1.1-12.1-3, 150.66
- Construction and implementation, 150.68
- Deductions from assessed value of property, 150.65
- Designation of economic revitalization areas, 150.60
- General standards and requirements, 150.61
- Limitations, 150.64
- Penalty, 150.99
- Procedures, 150.63
- Request for designation of economic revitalization area, 150.62

ENFORCEMENT OF ORDINANCES

- Appointment of Violations Clerk, 35.05
- Disposition of funds collected by Clerk, 35.08
- Initiation of court proceedings, 35.07
- Injunctions, 35.02
- Ordinance Violations Bureau established, 35.04
- Proceedings to enforce ordinances, 35.03
- Schedule of ordinance violations and civil penalties, 35.09
- Settlement of violation with Clerk, 35.06
- Violations on private property, 35.01

EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION (See also TOWN POLICIES)

- Affirmative action commitment, 34.52
- Equal employment policy of the town, 34.50
- Public contracts to contain nondiscrimination clause, 34.51

EXPLOSIVES (See also OFFENSES)

- Application; fee, 130.66
- Blasting, 130.71
- Employees, 130.68
- Enforcement, 130.72
- Labeling; packaging, 130.69
- License, 130.65
- Limit on explosive charge, 130.70
- Penalty, 130.99
- Storage, 130.67

FAIR HOUSING

- Action on complaints alleging violations of this chapter, 92.04
- Appeal, 92.08
- Cooperation with other entities, 92.07
- Education and conciliation, 92.06
- Incorporation by reference, 92.02

FAIR HOUSING (Cont'd)

- Penalty, 92.99
- Powers of town executive, 92.05
- Purposes, 92.01
- Town executive to administer chapter, 92.03

FINANCE

Administration

- Allowance of claims, 31.52
- Delivery of records and property to successor by town officer, 31.54
- Disbursement of funds, 31.50
- Issue of warrants, 31.51
- Revocation or suspension of licenses issued by town, 31.55
- Warrants for payment of claims, 31.53

Budgets

- Compensation of members of Council and other town officers and employees, 31.70
- Increase or decrease of appropriation after approval of ordinance, 31.73
- Preparation and approval of ordinance fixing tax rate and making annual appropriations, 31.72
- Preparation of annual budget estimates, 31.71

Compensation

- Effective date, 31.37
- Payment of compensation to officer or employee prior to vacation leave, 31.36
- Schedule, 31.35

Funds

- Depreciation Fund, 31.03
- Fireworks Display Donation Fund, 31.01
- Local Law Enforcement Continuing Education Fund, 31.04
- Rainy Day Fund, 31.02
- Special Vehicle Inspection Fund, 31.05
- Unsafe Building Fund, 31.07
- Volunteer Fire Department Fund, 31.06

Purchasing

- Purchase orders, 31.22
- Purchasing agency designated, 31.20
- Purchasing policies, 31.21

FIRE PREVENTION AND PROTECTION

Open Burning Regulations

- Applicability, 93.30
- Definitions, 93.25
- Exemptions, 93.27

FIRE PREVENTION AND PROTECTION (Cont'd)

- Open Burning Regulations (Cont'd)
 - Liability for fire, 93.29
 - Prohibition, 93.26
 - Variances, 93.28
- Penalty, 93.99
- Volunteer Fire Department
 - Command at fires, 93.03
 - Duties, 93.06
 - Duties of spectators, 93.08
 - Enforcement of ordinances, 93.09
 - Entering firehouse, 93.10
 - Establishment, 93.01
 - Membership; organization, 93.04
 - Obedience to orders, 93.07
 - Records, 93.05
 - Service charges, 93.12
 - Service outside corporate limits, 93.11
 - Supervision, 93.02

FIREARMS AND OTHER PROJECTILES (See also OFFENSES)

- Definition, 130.01
- Discharge of firearms, 130.02
- Enforcement, 130.05
- Exceptions, 130.04
- Penalty, 130.99
- Propelling or discharge of projectiles, 130.03

FLOOD PLAIN MANAGEMENT

- Administration, 154.04
- Definitions, 154.02
- General provisions, 154.03
- Provisions for flood hazard reduction, 154.05
- Statutory authorization; findings of fact; purpose; objectives, 154.01
- Variance procedures, 154.06

FUNDS (See also FINANCE)

- Depreciation Fund, 31.03
- Fireworks Display Donation Fund, 31.01
- Local Law Enforcement Continuing Education Fund, 31.04
- Rainy Day Fund, 31.02
- Special Vehicle Inspection Fund, 31.05

GARBAGE AND TRASH DISPOSAL

- Administration and enforcement, 50.13
- Burning garbage, 50.07
- Collection, 50.08
- Consent of owner, 50.05
- Containers, 50.09
- Definitions, 50.01
- Deposits on streets, 50.04
- Disposal, 50.06
- Fees for collection, 50.11
- Penalty, 50.99
- Refuse Collection Fund, 50.12
- Separation, 50.10
- Uncovered garbage, 50.02
- Wind-blown refuse, 50.03

HEALTH AND SAFETY

- Abandoned Motor Vehicles
 - Abandoned Vehicle Fund, 90.05
 - Administration, 90.03
 - Establishment of market value for disposal, 90.04
 - Incorporation of state law, 90.01
 - Towing; storage; charges, 90.02

Noise

- Exception, 90.42
- Mobile sound amplifiers, 90.41
- Penalty, 90.99
- Radios and sound devices, 90.40

Vegetation and Similar Nuisances

- Definitions, 90.20
- Effective date, 90.25
- Exceptions, 90.24
- Failure to abate nuisance; cost of removal; lien, 90.23
- Growth of certain vegetation restricted, 90.21
- Notice of violation, 90.22

LAND USAGE

Economic Revitalization Areas

- Applications for deductions for new manufacturing equipment, 150.67
- Applications for deductions under I.C. 6-1.1-12.1-3, 150.66
- Construction and implementation, 150.68
- Deductions from assessed value of property, 150.65
- Designation of economic revitalization areas, 150.60
- General standards and requirements, 150.61

LAND USAGE (Cont'd)

Economic Revitalization Areas (Cont'd)

Limitations, 150.64

Procedures, 150.63

Request for designation of economic revitalization area, 150.62

Improvement Location Permits

Appeals, 150.23

Applications for permit; fees, 150.22

Issuance of permit, 150.21

Permit required, 150.20

Remedies, 150.25

Review by certiorari, 150.24

Penalty, 150.99

Sign Regulations

Conflict, 150.03

Effective date, 150.05

Minimum standards, 150.02

Nonconforming signs, 150.04

Purpose; definition, 150.01

Wrecking or Demolition of Buildings

Application for permit, 150.44

Approval and issuance of permit, 150.46

Authority, 150.42

Inspection of premises, 150.45

Permit required, 150.43

Purpose, 150.40

Regulations for proceeding with work, 150.47

Scope, 150.41

Supervision, 150.48

LITTER CONTROL

Abatement of nuisance, 94.003

Definitions, 94.001

Enforcement, 94.002

Handbills

Activities exempt from the application of this subchapter, 94.081

Clean-up, 94.080

Construction of this subchapter with other laws, 94.084

Distribution of handbills on vacant private premises, 94.077

Handbill to contain the names and addresses of printer and sponsor, 94.082

Manner of handbill distribution on inhabited private premises, 94.079

Owner of premises not to permit its use for unlawful advertising, 94.083

Placing handbills in vehicles, 94.076

Premises posted against handbill distribution, 94.078

Throwing or distributing handbills in public places, 94.075

LITTER CONTROL (Cont'd)**Litter Receptacles**

- Exterior of litter receptacles, 94.058
- Interpretation, 94.060
- Litter receptacles obstructing traffic, 94.057
- Parking lots, 94.051
- Periodic emptying of receptacles, 94.054
- Prevention of scattering, 94.055
- Private premises, 94.052
- Public places, 94.050
- Receptacles to be provided by the town, 94.059
- Specifications, 94.053
- Upsetting or tampering with receptacles, 94.056

Littering Streets

- Conveyance of material, 94.015

Maintenance of Property

- Areas around business premises; clean conditions, 94.033
- Construction sites; clean condition, 94.035
- Duty to collect litter before it is carried from the premises, 94.031
- Litter collection and storage areas; clean condition, 94.030
- Loading or unloading docks, 94.034
- Neglected premises visible to the public, 94.032
- Neglected refuse containers; contractor, 94.038
- Sidewalks and alleys, 94.036
- Unemptied garbage containers, 94.037

Penalty, 94.999**LOITERING (See also OFFENSES)**

- Loitering prohibited, 130.21
- Penalty, 130.99
- Definitions, 130.20

MANUFACTURED HOUSING REGULATIONS**Administration**

- Enforcement, 151.50
- Remedies, 151.51

Definitions, 151.03**General Requirements**

- Existing uses, 151.19
- Mobile home parks, 151.18
- Mobile home; conversion, 151.20
- Permitted placement, 151.15
- Prohibited placement; exceptions, 151.16
- Structural alteration, 151.17

MANUFACTURED HOUSING (Cont'd)

- Intent, 151.02
- Minimum Specifications for Mobile Home Parks
 - General, 151.35
 - Submission of plans, 151.36
- Penalty, 151.99
- Title, 151.01

MOBILE HOME PARKS (See also MANUFACTURED HOUSING REGULATIONS)

- General, 151.35
- Penalty, 151.99
- Submission of plans, 151.36

MOTORIZED BICYCLES (See also BICYCLES, TRAFFIC REGULATIONS)

- Definitions, 72.01
- Other Provisions
 - Enforcement of provisions, 72.59
 - Inspection, 72.55
 - Motorized bicycle or golf cart without serial number, 72.58
 - Removal of serial number or license plate or sticker, 72.56
 - Suspension; revocation, 72.60
 - Use of motorized bicycle or golf cart without consent of owner, 72.57
- Penalty, 72.99
- Registration and License Requirements
 - Application, 72.16
 - Loss of license plate or sticker, 72.19
 - Loss, sale, or destruction of motorized bicycle or golf cart; surrender of license, 72.18
 - Registration; license, 72.15
 - Term of license, 72.17
- Rules for Riding and Operating
 - Clinging to vehicles, 72.31
 - Emerging from alleys, driveways, and garages, 72.33
 - Extra passenger, 72.32
 - Intoxication, drugs, or physical inability, 72.34
 - Lights, 72.35
 - Mechanical condition, 72.36
 - Operating on sidewalks, 72.37
 - Parking, 72.38
 - Riding abreast, 72.30
 - Right; keep to, 72.39
 - Signaling devices, 72.40
 - Speed, 72.41
 - Traffic regulations, 72.42
 - Trick riding, 72.43
 - Turns; starting; stopping, 72.44

NUISANCES

Abandoned Motor Vehicles

- Abandoned Vehicle Fund, 90.05
- Administration, 90.03
- Establishment of market value for disposal, 90.04
- Incorporation of state law, 90.01
- Towing; storage; charges, 90.02

Noise

- Exception, 90.42
- Mobile sound amplifiers, 90.41
- Radios and sound devices, 90.40

Penalty, 90.99

Vegetation and Similar Nuisances

- Definitions, 90.20
- Effective date, 90.25
- Exceptions, 90.24
- Failure to abate nuisance; cost of removal; lien, 90.23
- Growth of certain vegetation restricted, 90.21
- Notice of violation, 90.22

OFFENSES

Alcoholic Beverages in Public Places

- Consumption prohibited, 130.35
- Open container prohibited, 130.36

Curfews

- Curfew for persons under 18 years of age, 130.50
- Defenses to curfew violations, 130.51

Explosives, Use and Storage of

- Application; fee, 130.66
- Blasting, 130.71
- Employees, 130.68
- Enforcement, 130.72
- Labeling; packaging, 130.69
- License, 130.65
- Limit on explosive charge, 130.70
- Storage, 130.67

Firearms and Other Projectiles, Use of

- Definition, 130.01
- Discharge of firearms, 130.02
- Enforcement, 130.05
- Exceptions, 130.04
- Propelling or discharge of projectiles, 130.03

OFFENSES (Cont'd)

Loitering

Definitions, 130.20

Loitering prohibited, 130.21

Penalty, 130.99

OFFICIALS

Building Code Inspector

Appointment, 30.095

Duties, 30.096

Building Commissioner

Appointment, 30.080

Duties, 30.081

Stop order, 30.082

Entry powers, 30.083

Superintendent of Public Works

Appointment, 30.065

Duties, 30.066

Town Attorney

Advice, 30.128

Appointment, 30.125

Judgments, 30.127

Ordinances and documents, 30.130

Special assessments, 30.129

Suits and actions, 30.126

Town Clerk-Treasurer

Administration of oaths; depositions; acknowledgments, 30.034

Deputies and employees, 30.036

Election, 30.032

Powers and duties, 30.035

Serves as town clerk and fiscal officer, 30.030

Term of office, 30.031

Vacancy in office, 30.033

Town Legislative Body and Executive

Clerk of legislative body, 30.008

Designation of town legislative body and executive, 30.001

Election districts; decennial redistricting, 30.003

Election of Members of Council, 30.004

Election of President of Council, 30.007

Filling vacancies on Council, 30.006

Issue and sale of bonds authorized, 30.016

Majority vote; when required, 30.012

Powers and duties of Council, 30.009

Publication and notice of ordinances prescribing penalties; exceptions, 30.014

OFFICIALS (Cont'd)

Town Legislative Body and Executive (Cont'd)

- Quorum, 30.010
- Record of ordinance, 30.015
- Requirements defined; majority vote; two-thirds vote, 30.011
- Residence requirement of Members of Council, 30.005
- Terms of Members of Council, 30.002
- Two-thirds vote; when required, 30.013

Town Marshal and Deputy Marshals

- Appointment; compensation, 30.050
- Deputy Marshals, 30.053
- Powers and duties, 30.052
- Removal from office; discipline; procedure, 30.051

OPEN BURNING REGULATIONS (See also FIRE PREVENTION AND PROTECTION)

- Applicability, 93.30
- Definitions, 93.25
- Exemptions, 93.27
- Liability for fire, 93.29
- Penalty, 93.99
- Prohibition, 93.26
- Variances, 93.28

ORDINANCE ENFORCEMENT

- Appointment of Violations Clerk, 35.05
- Disposition of funds collected by Clerk, 35.08
- Initiation of court proceedings, 35.07
- Injunctions, 35.02
- Ordinance Violations Bureau established, 35.04
- Proceedings to enforce ordinances, 35.03
- Schedule of ordinance violations and civil penalties, 35.09
- Settlement of violation with Clerk, 35.06
- Violations on private property, 35.01

ORGANIZATIONS

Advisory Plan Commission

- Compensation, 32.04
- Definitions, 32.01
- Effective date, 32.10
- Election of officers, 32.05
- Establishment, 32.02
- Meetings and records, 32.08
- Membership, 32.03
- Powers and duties, 32.06

ORGANIZATIONS (Cont'd)

Advisory Plan Commission (Cont'd)

Rules of procedure, 32.09

Secretary, 32.07

Board of Finance

Compensation, 32.48

Designation of depositories, 32.50

Duties and powers, 32.47

Establishment, 32.45

Organization and meetings, 32.49

Secretary, 32.46

Board of Zoning Appeals

Commitments, 32.36

Compensation, 32.28

Definitions, 32.25

Effective date, 32.33

Election of officers, 32.29

Establishment, 32.26

Fees, 32.39

Membership, 32.27

Powers and duties, 32.34

Public hearings, 32.35

Records, 32.31

Review by certiorari, 32.38

Rules of procedure, 32.32

Secretary, 32.30

Stay of proceedings and work, 32.37

Economic Development Commission

Composition and appointment, 32.66

Conflicts of interest, 32.70

Duties, 32.71

Establishment, 32.65

Organization, 32.67

Removal from office, 32.69

Rules and regulations, 32.68

PARKING SCHEDULES

Prohibited parking areas, Ch. 74, Sch. I

PARKS AND RECREATION

General Regulations

Alcoholic beverages, 97.46

Disorderly conduct, 97.47

Dogs, 97.49

PARKS AND RECREATION (Cont'd)

General Regulations (Cont'd)

Horses, 97.48

Non-smoking areas, 97.50

Operation of motor vehicles, 97.45

Merchandising, Advertising, and Signs

Advertising, 97.61

Signs, 97.62

Vending and peddling, 97.60

Operating Policy

Group activity, 97.32

Hours, 97.31

Management, 97.30

Picnic areas and use, 97.33

Park Property

Disfiguration and removal, 97.15

Rest rooms, 97.16

Sanitation, 97.17

Penalty, 97.99

Purpose, 97.01

Remedies, 97.02

PEDESTRIANS (See also TRAFFIC REGULATIONS)

Pedestrians crossing roadways, 70.117

Pedestrians subject to traffic-control signals, 70.115

Penalty, 70.999

Right-of-way, 70.116

PERSONNEL

Absence without leave, 36.07

Accidents, 36.03

Applicability, 36.01

Bereavement leave, 36.13

Dismissal, 36.04

Employment of personnel, 36.02

Family and Medical Leave Act, 36.15

Holidays, 36.11

Leave of absence, 36.06

Outside employment, 36.05

Resignation, 36.09

Sick leave, 36.12

Special leave, 36.08

Vacations, 36.14

Work days and work week, 36.10

POLICE DEPARTMENT

Attendance as Witness in Court

Attendance of police officers as witnesses in court, 33.40

Compensation for appearance as witness, 33.42

Travel allowance authorized, 33.43

Witness fees, 33.41

Regular Police

Appointments, 33.02

Conduct of members, 33.06

Department created, 33.01

Duties, 33.05

Duties of Marshal, 33.04

Rules and regulations, 33.07

Supervision, 33.03

Termination or suspension, 33.08

Reserve Police

Compensation, 33.24

Creation; appointments; term; qualifications, 33.20

Oath; commissions; powers; duties, 33.21

Probationary period, 33.22

Training and bylaws, 33.23

Uniforms, 33.25

Waiver of liability, 33.26

POLICIES, TOWN

Access to Public Records

Exceptions, 34.66

Information concerning arrests and investigations, 34.67

Records containing disclosable and nondisclosable information, 34.68

Requests for disclosure; procedure, 34.69

Right of inspection of public records, 34.65

Equal Employment Policy and Affirmative Action Commitment

Affirmative action commitment, 34.52

Equal employment policy of the town, 34.50

Public contracts to contain nondiscrimination clause, 34.51

Membership Dues to Organizations and Expenses of Attendance at Meetings

Expenses of attendance at meetings, 34.36

Membership dues to organizations, 34.35

Mileage Allowance for Private Automobiles

Mileage allowance, 34.01

Rate, 34.02

Records, 34.03

Tolls, parking costs, meals, and lodging, 34.05

Volunteers, 34.04

POLICIES, TOWN (Cont'd)

National Incident Management System

Adoption, 34.80

Vehicle Accident Reports

Accident reports available to persons suffering injury or damage, 34.20

Exception where criminal proceedings may be involved, 34.23

Fee for furnishing copy of report; deposit and use of fees, 34.22

Who may obtain information, 34.21

PUBLIC RECORDS; ACCESS TO (See also TOWN POLICIES)

Exceptions, 34.66

Information concerning arrests and investigations, 34.67

Records containing disclosable and nondisclosable information, 34.68

Requests for disclosure; procedure, 34.69

Right of inspection of public records, 34.65

PUBLIC WAYS

Excavation in public ways, 95.04

Obstruction of public ways prohibited, 95.01

Penalty, 95.99

Prohibited location of utilities in public ways, 95.03

Use of public ways under repair, 95.02

RAILROADS

Dangerous railroad grade crossings, 98.01

Posting signs, 98.02

RECREATION AND PARKS

General Regulations

Alcoholic beverages, 97.46

Disorderly conduct, 97.47

Dogs, 97.49

Horses, 97.48

Non-smoking areas, 97.50

Operation of motor vehicles, 97.45

Merchandising, Advertising, and Signs

Advertising, 97.61

Signs, 97.62

Vending and peddling, 97.60

Operating Policy

Group activity, 97.32

Hours, 97.31

Management, 97.30

Picnic areas and use, 97.33

RECREATION AND PARKS (Cont'd)

- Park Property
 - Disfiguration and removal, 97.15
 - Rest rooms, 97.16
 - Sanitation, 97.17
- Penalty, 97.99
- Purpose, 97.01
- Remedies, 97.02

RESERVE POLICE (See also POLICE DEPARTMENT)

- Compensation, 33.24
- Creation; appointments; term; qualifications, 33.20
- Oath; commissions; powers; duties, 33.21
- Probationary period, 33.22
- Training and bylaws, 33.23
- Uniforms, 33.25
- Waiver of liability, 33.26

SEWAGE WORKS PROVISIONS

- Adoption by reference, 53.01

SIDEWALKS AND CURBS

- Damaging sidewalks or curbs, 100.02
- Enforcement and penalties, 100.99
- Obstructing sidewalks, 100.01
- Replacement and removal of sidewalks or curbs, 100.03

SIGN REGULATIONS (See also ZONING CODE)

- Conflict, 150.03
- Effective date, 150.05
- Minimum standards, 150.02
- Nonconforming signs, 150.04
- Penalty, 150.99
- Purpose; definition, 150.01

SKATEBOARDS, IN-LINE SKATES AND SIMILAR DEVICES (See also TRAFFIC REGULATIONS)

- Assumption of risk, 70.139
- Definitions, 70.135
- Extreme sports facility exclusion, 70.138
- Operating skateboard, in-line skates, wheeling or sliding device prohibited, 70.136
- Penalty, 70.999
- Rules regarding operation in non-prohibited areas, 70.140
- Wheelchair exclusion, 70.137

SOLICITORS

- Application for certificate of registration, 110.04
- Certificate of registration, 110.03
- Definitions, 110.01
- Duty of solicitors, 110.10
- Exceptions, 110.02
- Issuance of registration certificate, 110.06
- Notice regulating soliciting, 110.09
- Penalty, 110.99
- Policy on soliciting, 110.08
- Registration fee, 110.05
- Revocation of certificate, 110.07
- Time limit on soliciting, 110.12
- Uninvited soliciting prohibited, 110.11

STREET TREES

- Abuse/illegal act, 99.06
- Definitions, 99.01
- Enforcement and penalties, 99.99
- Maintenance, 99.04
- Planting, 99.02
- Removal, 99.03
- Responsibility of owner or occupant, 99.05

STORM WATER MANAGEMENT

- Board of Directors, 51.03
- Establishment of special taxing district; financing of facilities; budget, 51.05
- Incorporation of state law and establishment of Department of Storm Water Management, 51.01
- Manuals adopted; Storm Water Management Fund established, 51.06
- Powers of Board; operations, 51.04
- Stormwater service charges, 51.02

SUBDIVISION REGULATIONS

- Incorporated Jurisdictional Area
 - Definitions, 158.02
 - Design principles, 158.20
 - Establishment of control, 158.01
 - Final plat, 158.13
 - Approval, 158.14
 - Improvements, standards for, 158.21
 - Plat certificates, 158.03

SUBDIVISION REGULATIONS (Cont'd)

Procedure

- Application for approval, 158.11

- Approval, 158.12

- Preliminary considerations, 158.10

Unincorporated Jurisdictional Area

- Adoption, 157.137

Approval of plats and re-plats

- Authority over plats, 157.010

- Re-plats, 157.012

- Standards for approval, 157.011

Approvals

- Major subdivision, primary approval, 157.041

- Minor subdivision; primary approval, 157.040

- Secondary approval, 157.043

 - Certificate, 157.135

 - Procedure, 157.044

- Definitions, 157.006

- Department clearances, 157.002

Design and layout requirements

- Block layout, 157.062

- Building setback lines, 157.065

- Easements, 157.064

- General requirements, 157.060

- Lots, 157.063

- Natural surface drainage, 157.067

- Public open spaces, 157.066

- Streets layout, 157.061

- Establishment of control, 157.001

Financial responsibility

- Bond, maintenance for streets, 157.052

- Bond, preliminary, 157.051

- Certificate of, 157.050

SUBDIVISION REGULATIONS (Cont'd)

Unincorporated Jurisdictional Area (Cont'd)

Improvement location permits

Fees, 157.131

Temporary permit model home, 157.130

Improvements, minimum standards

General conformance requirements, 157.070

Monuments and markers, 157.071

Septic system, 157.074

Sewers, 157.073

Storm drainage, 157.076

Streets, 157.072

Water, 157.075

Improvements, off-street

Sidewalks, 157.090

Street plans, 157.094

Street signs, 157.091

Street trees, 157.092

Unpaved area, 157.093

Minimum standards; checklist requirements, 157.005

Modifications, 157.115

Plat Committee

Appointment, 157.030

Meetings, 157.033

Membership, 157.031

Power, 157.034

Quorum, 157.032

Procedures

Application for approval, 157.020

Comprehensive Plan requirements, 157.022

Design criteria, 157.024

Hearing, 157.026

Preliminary considerations, 157.021

Primary approval, documents to be submitted for, 157.025

Rules, 157.027

Street construction standards

Cement concrete pavements, 157.107

Curbs and gutters, 157.109

Drainage structures, 157.105

Hot asphaltic concrete pavements, 157.108

Inspection, 157.100

Intent of minimum specifications, 157.101

SUBDIVISION REGULATIONS (Cont'd)

Unincorporated Jurisdictional Area (Cont'd)

Procedures (Cont'd)

Pavement design, 157.104

Shoulders, ditches and slopes, finishing, 157.111

Sidewalks, cement concrete, 157.110

Special provisions, 157.102

Street construction, 157.106

Inspection, 157.103

Street signs, 157.112

Streets and roadways

Cul-de-sacs, 157.085

Curb and gutter, 157.084

Dead-end streets, 157.085

Intersections, 157.083

Pavement widths, minimum, 157.081

Right-of-way widths of streets, alleys and easements for utilities, minimum, 157.080

Street grades, curves and sight distances, 157.082

Technical Review Committee, 157.004

Territorial limits of regulations, 157.003

Validity, 157.136

Variance, 157.120

After platting, 157.123

Conditions, 157.121

Notation of, 157.122

SUPERINTENDENT OF PUBLIC WORKS (See also OFFICIALS)

Appointment, 30.065

Duties, 30.066

THOROUGHFARE PLAN

Amendments, 152.06

Continuing authority of Town Plan Commission, 152.05

Designation of thoroughfares, 152.03

Drawing, 152.02

File copies, 152.07

Map of thoroughfares, 152.01

Penalty, 152.99

Policies and directives, 152.04

TOWN ATTORNEY (See also OFFICIALS)

Advice, 30.128

TOWN ATTORNEY (Cont'd)

- Appointment, 30.125
- Judgments, 30.127
- Ordinances and documents, 30.130
- Special assessments, 30.129
- Suits and actions, 30.126

TOWN COUNCIL

- Building Code Inspector
 - Appointment, 30.095
 - Duties, 30.096
- Building Commissioner
 - Appointment, 30.080
 - Duties, 30.081
 - Entry powers, 30.083
 - Stop order, 30.082
- Superintendent of Public Works
 - Appointment, 30.065
 - Duties, 30.066
- Town Attorney
 - Advice, 30.128
 - Appointment, 30.125
 - Judgments, 30.127
 - Ordinances and documents, 30.130
 - Special assessments, 30.129
 - Suits and actions, 30.126
- Town Clerk-Treasurer
 - Administration of oaths; depositions; acknowledgments, 30.034
 - Deputies and employees, 30.036
 - Election, 30.032
 - Powers and duties, 30.035
 - Serves as town clerk and fiscal officer, 30.030
 - Term of office, 30.031
 - Vacancy in office, 30.033
- Town Legislative Body and Executive
 - Clerk of legislative body, 30.008
 - Designation of town legislative body and executive, 30.001
 - Election districts; decennial redistricting, 30.003
 - Election of Members of Council, 30.004
 - Election of President of Council, 30.007

TOWN COUNCIL (Cont'd)

Town Legislative Body and Executive (Cont'd)

- Filling vacancies on Council, 30.006
- Issue and sale of bonds authorized, 30.016
- Majority vote; when required, 30.012
- Powers and duties of Council, 30.009
- Publication and notice of ordinances prescribing penalties; exceptions, 30.014
- Quorum, 30.010
- Record of ordinance, 30.015
- Requirements defined; majority vote; two-thirds vote, 30.011
- Residence requirement of Members of Council, 30.005
- Terms of Members of Council, 30.002
- Two-thirds vote; when required, 30.013

Town Marshal and Deputy Marshals

- Appointment; compensation, 30.050
- Deputy Marshals, 30.053
- Powers and duties, 30.052
- Removal from office; discipline; procedure, 30.051

TOWN MARSHAL (See also OFFICIALS)

- Appointment; compensation, 30.050
- Deputy Marshals, 30.053
- Powers and duties, 30.052
- Removal from office; discipline; procedure, 30.051

TOWN POLICIES

Access to Public Records

- Exceptions, 34.66
- Information concerning arrests and investigations, 34.67
- Records containing disclosable and nondisclosable information, 34.68
- Requests for disclosure; procedure, 34.69
- Right of inspection of public records, 34.65

Equal Employment Policy and Affirmative Action Commitment

- Affirmative action commitment, 34.52
- Equal employment policy of the town, 34.50
- Public contracts to contain nondiscrimination clause, 34.51

Membership Dues to Organizations and Expenses of Attendance at Meetings

- Expenses of attendance at meetings, 34.36
- Membership dues to organizations, 34.35

Mileage Allowance for Private Automobiles

- Mileage allowance, 34.01
- Rate, 34.02

TOWN POLICIES (Cont'd)

Mileage Allowance for Private Automobiles (Cont'd)

Records, 34.03

Tolls, parking costs, meals, and lodging, 34.05

Volunteers, 34.04

National Incident Management System

Adoption, 34.80

Vehicle Accident Reports

Accident reports available to persons suffering injury or damage, 34.20

Exception where criminal proceedings may be involved, 34.23

Fee for furnishing copy of report; deposit and use of fees, 34.22

Who may obtain information, 34.21

TRAFFIC REGULATIONS

Definitions, 70.002

Enforcement and Obedience to Traffic Regulations

Authority of Police and Fire Department officials, 70.015

Emergency vehicles, 70.018

Miscellaneous vehicles and animals, 70.019

Obedience to Police and Fire Department officials, 70.017

Required obedience to traffic regulations, 70.016

Obedience to Traffic-Control Devices

No turn signs and lane control markings, 70.031

Pedestrian-control signals, 70.035

Play streets, 70.033

Quiet zones, 70.032

Signs and signals, 70.030

Traffic-control signal legend, 70.034

Unauthorized signs, 70.036

Operation of Vehicles

Approach of emergency vehicles, 70.099

Backing, 70.080

Bicycles and motorcycles, 70.086

Clinging to vehicles prohibited, 70.085

Driving from alleys, driveways, or garages, 70.083

Driving on right side of roadway, 70.089

Driving on roadways laned for traffic, 70.094

Driving on sidewalks prohibited, 70.084

Driving over fire hose, 70.101

Following Fire Department vehicles, 70.100

Funeral processions, 70.078

TRAFFIC REGULATIONS (Cont'd)

Operation of Vehicles (Cont'd)

- Interference with processions prohibited, 70.077
- Limitations on overtaking on the left, 70.093
- Limitations on turning around, 70.079
- Littering highways prohibited, 70.102
- No left turn, 70.082
- Obstruction of crosswalks and intersections prohibited, 70.076
- Overtaking vehicles, 70.091
- Overtaking vehicles on the right, 70.092
- Passing vehicles, 70.090
- Required position and method of turning at intersection, 70.095
- Right-of-way, 70.096
- Roller skates, coasters, and toy vehicles, 70.087
- Special stops required, 70.075
- Speed restrictions, 70.088
- Through streets, 70.098
- U-turns, 70.081
- Vehicle turning left, 70.097

Pedestrians

- Pedestrians crossing roadways, 70.117
- Pedestrians subject to traffic-control signals, 70.115
- Right-of-way, 70.116

Penalty, 70.999

Short title, 70.001

Skateboards, In-Line Skates and Similar Devices

- Assumption of risk, 70.139
- Definitions, 70.135
- Extreme sports facility exclusion, 70.138
- Operating skateboard, in-line skates, wheeling or sliding device prohibited, 70.136
- Rules regarding operation in non-prohibited areas, 70.140
- Wheelchair exclusion, 70.137

Stopping, Standing, and Parking

- Hazardous areas, 70.051
- Interference with traffic movement, 70.052
- Limited parking, 70.061
- Loading zones, 70.056
- No-parking places, 70.060
- No parking; snow removal, 70.062
- No parking; street cleaning, 70.063

TRAFFIC REGULATIONS (Cont'd)

Stopping, Standing, and Parking (Cont'd)

Parking at curb or along edge of roadway, 70.058

Parking meter zones, 70.054

Passenger zones, 70.055

Prohibited parking, 70.050

Semitractors, semitrailers, and trucks exceeding five tons; parking prohibited, 70.057

Time limit parking, 70.053

Vehicles for sale, storage, repair, and the like, 70.059

Traffic Regulations on School Property

Application of traffic regulations, 71.25

Penalty, 71.99

Speed restrictions, 71.26

Words and phrases not defined, 70.003

TRAFFIC SCHEDULES (See also TRAFFIC REGULATIONS)

Hazardous areas and speed limits, Ch. 73, Sch. II

One-way streets and alleys, Ch. 73, Sch. III

Through streets, Ch. 73, Sch. I

TRASH AND GARBAGE DISPOSAL

Administration and enforcement, 50.13

Burning garbage, 50.07

Collection, 50.08

Consent of owner, 50.05

Containers, 50.09

Definitions, 50.01

Deposits on streets, 50.04

Disposal, 50.06

Fees for collection, 50.11

Penalty, 50.99

Refuse Collection Fund, 50.12

Separation, 50.10

Uncovered garbage, 50.02

Wind-blown refuse, 50.03

UNINCORPORATED JURISDICTIONAL AREA

Adoption by reference, 157.01

VEHICLE ACCIDENT REPORTS (See also TOWN POLICIES)

Accident reports available to persons suffering injury or damage, 34.20

Exception where criminal proceedings may be involved, 34.23

VEHICLE ACCIDENT REPORTS (Cont'd)

- Fee for furnishing copy of report; deposit and use of fees, 34.22
- Who may obtain information, 34.21

WATER RATES AND CHARGES (See also WATER WORKS)

- Schedule of rates and charges, 52.15

WATER WORKS

- Rules and Regulations for Use and Consumption
 - Rules and regulations, 52.01
- Water Rates and Charges
 - Schedule of rates and charges, 52.15

WRECKING OR DEMOLITION OF BUILDINGS (See also LAND USAGE)

- Application for permit, 150.44
- Approval and issuance of permit, 150.46
- Authority, 150.42
- Inspection of premises, 150.45
- Penalty, 150.99
- Permit required, 150.43
- Purpose, 150.40
- Regulations for proceeding with work, 150.47
- Scope, 150.41
- Supervision, 150.48

ZONING CODE

- Incorporated Jurisdictional Area
 - Administration
 - Amendments, 156.045
 - Clerk-Treasurer; availability of materials for public inspection, 156.047
 - Enforcement by whom, 156.041
 - Remedies, 156.046
 - Validity, 156.048
 - Appeals, 156.044
 - Certificate of occupancy, 156.043
 - Commercial uses
 - Conditional exceptions, 156.073
 - General business uses, 156.071
 - General provisions, 156.072
 - Local business uses, 156.070
 - Conditional uses, 156.095
 - Contingent uses, 156.090

ZONING CODE (Cont'd)

Incorporated Jurisdictional Area (Cont'd)

Definitions, 156.004

Districts and zone maps

Annexed or vacated area, procedure relating to, 156.013

Boundaries, determination and interpretation of, 156.012

Districts, 156.010

Zone map, 156.011

Farm building, 156.040

Identification, 156.002

Industrial uses

Conditional exceptions, 156.083

General provisions, 156.082

Industrial uses, 156.081

Light industrial uses, 156.080

Non-interference with greater restrictions otherwise imposed, 156.003

Non-conforming use

Change, 156.032

Continuation thereof and reconstruction, 156.030

Erection and re-erection of buildings, 156.033

Extension, 156.031

Land, non-conforming use, discontinuance of, 156.037

Non-conforming use created by amendment, 156.038

Right to construct if permit issued, 156.035

Temporary permits, 156.034

Use to conform after discontinuance, 156.036

Plats, 156.042

Residential uses

Apartment house, 156.063

Conditional exceptions, 156.065

General provisions, 156.064

Group house, 156.062

Single-family dwelling, 156.060

Two-family dwelling, 156.061

Specifications, 156.025

Height, 156.021

Livestock prohibited, 156.026

Loading and unloading berths, 156.024

Lots, 156.023

Use, 156.020

Vehicle parking space, 156.024

Yards, lot area and size of building, 156.156.022

Title, 156.001

ZONING CODE (Cont'd)

Incorporated Jurisdictional Area (Cont'd)

Unit development plan

Community shopping center development plan, 156.106

Groups of small houses, 156.107

Residential development plan, 156.105

Vehicle parking space

Specific requirements and permits, 156.100

Unincorporated Jurisdictional Area

A-1 Agricultural District

Accessory uses, 155.052

Height regulations, 155.053

Lot area, width and yard requirements, 155.054

Principal permitted uses, 155.050

Setback requirements, minimum, 155.055

Special exceptions, 155.051

Subdivision, 155.056

Administration

Adoption of regulations, 155.257

Application requirements, 155.251

Enforcement by Zoning Inspector, 155.250

Validity, 155.256

Business districts, 155.090

C-1 Neighborhood Business District

Accessory uses, 155.103

Courts, 155.106

Height regulations, 155.104

Lot area, frontage and yard requirements, 155.105

Principal permitted uses, 155.100

Required conditions, 155.103

Special exceptions, 155.101

C-2 Community Business District

Accessory uses, 155.112

Courts, 155.117

Garage and parking areas, distance requirements, 155.116

Height regulations, 155.114

Lot area, frontage and yard requirements, 155.115

Principal permitted uses, 155.110

Required conditions, 155.113

Special exceptions, 155.111

ZONING CODE (Cont'd)

Unincorporated Jurisdictional Area (Cont'd)

Business districts (Cont'd)

C-3 General Business District

Accessory uses, 155.122

Height regulations, 155.125

Lot area, frontage and yard requirements, 155.126

Principal permitted uses, 155.120

Prohibited uses, 155.124

Required conditions, 155.123

Special exceptions, 155.121

Certificates of occupancy, 155.253

Definitions, 155.004

Districts and boundaries

Annexed or vacated areas, procedures for, 155.013

Boundary, interpretation of, 155.012

Establishment, 155.010

Unidentified property, 155.014

Zoning maps, 155.011

Effects of districting and general regulations

Additional prohibited uses, 155.023

Additional uses, 155.022

Building permits, pending application for, 155.031

Conformance requirements, 155.021

District, more or less restricted, 155.020

Encroaching doors, 155.028

Essential services, 155.029

Minerals, extraction of prohibited, 155.032

Off-street parking and loading, 155.027

Oil drilling prohibited, 155.032

Required area or space cannot be reduced, 155.026

Street frontage requirements, 155.025

Unsafe buildings, 155.030

Yard requirements along zoning boundary line in the restricted district, 155.024

Farm alcohol (ethanol) production

Application, contents, procedure, 155.220

General requirements, 155.221

Hearing, 155.222

Fees, 155.254

Height modifications

Height limitations not applicable, 155.235

Minimum requirements, 155.236

ZONING CODE (Cont'd)

Unincorporated Jurisdictional Area (Cont'd)

Immaterial modification of prior existing non-conformity, 155.210

Improvement location permit, 155.252

Industrial districts

M-1 Light Industrial District

Accessory uses, 155.132

Height regulations, 155.135

Lot area, frontage and yard requirements, 155.136

Principal permitted uses, 155.130

Prohibited uses, 155.134

Required conditions, 155.133

Special exceptions, 155.131

M-2 General Industrial District

Accessory uses, 155.142

Height regulations, 155.145

Lot area, frontage and yard requirements, 155.146

Principal permitted uses, 155.140

Prohibited uses, 155.144

Required conditions, 155.143

Special exceptions, 155.141

Interpretation of standards, 155.003

Lots of record

Dwellings on, 155.230

Minerals, extraction of

Additional requirements, 155.193

General requirements, 155.191

Procedures, application and public hearing, 155.190

Rehabilitation; bond, 155.192

Mobile homes and mobile home parks, motels and motor hotels

Enlargement, 155.171

General requirements, 155.170

Mobile home parks

Submission of plans, 155.173

Requirements, 155.174

Mobile home restrictions, 155.172

Procedure for additional requirements, 155.175

Non-conforming uses

Minimum area of a residence, 155.041

Prior uses permitted to continue, 155.040

ZONING CODE (Cont'd)

Unincorporated Jurisdictional Area (Cont'd)

Off-street loading and parking regulations

Accessory off-street parking space, 155.161

Development and maintenance of off-street parking areas, 155.164

Modifications, 155.165

Number of parking spaces required, 155.162

Off-street loading space, 155.160

Standards for accessory off-street parking, 155.163

Penalty, 155.999

Performance standards

Certain new uses, 155.152

Existing uses, 155.151

General requirements, 155.150

Purpose and scope, 155.001

Residential Districts

General regulations

Accessory uses in R-District, 155.063

Basement and cellars, measurement of, 155.068

General requirements, 155.060

Rear dwellings in R-District, 155.061

Side yards, 155.064

Traffic visibility across corner lots, 155.065

Transitional uses in R-District, 155.062

Trucks, parking in R-District, 155.066

Yard sales, private or rummage, 155.067

R-1 One-Family Residence District

Accessory uses, 155.072

Courts, 155.075

Height regulations, 155.073

Lot area, frontage and yard requirements, 155.074

Principal permitted uses, 155.070

Special exceptions, 155.071

R-2 Multi-Family Residence District

Accessory uses, 155.082

Area, frontage and yard requirements, 155.084

Courts, 155.085

Height regulations, 155.083

Principal permitted uses, 155.080

Special exceptions, 155.081

ZONING CODE (Cont'd)

Unincorporated Jurisdictional Area (Cont'd)

Sign regulations

Advertising signs, 155.181

Business signs, 155.182

Professional or announcement signs and institutional bulletin boards, 155.184

Real estate signs, 155.183

Signs, 155.180

Special exceptions

Conformance requirements, 155.202

Construction requirements, 155.203

Determination of Board of Zoning Appeals, 155.200

Filing procedure, 155.201

Special exceptions, 155.204

Title, 155.002

Violations; injunctive relief, 155.255

Yard modifications

Front yard, 155.240

Rear and side yards, 155.242

Side yard, 155.241

Yard projections

Architectural features, 155.245

Fences, walks and hedges, 155.246

Yard requirements along zoning boundary lines in the less restricted district, 155.247

PARALLEL REFERENCES

References to Indiana Code
References to 1981 Code
References to Resolutions
References to Ordinances

REFERENCES TO INDIANA CODE

<i>I.C.</i>	<i>2008 Code</i>
1-1-1-5	10.04
1-1-1-7	10.12
1-1-1-8	10.06
1-1-4-5	10.05
1-1-5-1	10.11
1-1-6-1	10.08
3-13-11	30.006
4-21.5	92.08
4-21.5-1 <i>et seq.</i>	153.40
4-21.5-3-7	153.17
5-1	30.016
5-2-1-9	30.051, 30.053
5-2-1-13(b)	31.04
5-2-8	34.22
5-2-8-2	31.04
5-3-1	30.014, 31.21, 150.63, 153.34, 153.44, 157.026
5-3-1-2	32.35
5-3-1-4	32.35
5-11-10-1	31.53
5-11-10-2	31.52
5-14-1.5-6.1	34.66
5-22	31.20
6-1.1-12.1-1	150.65
6-1.1-12.1-1 <i>et seq.</i>	150.68
6-1.1-12.1-2.5(d)	150.63
6-1.1-12.1-3	Ch. 150, 150.64 – 150.66
6-1.1-12.1-4	150.64
6-1.1-12.1-4.5	150.64, 150.65
6-1.1-17 <i>et seq.</i>	31.72, 31.73
6-1.1-17-3	31.71
8-1.5-3-4(a)	51.04
8-1.5-5	51.01
8-1.5-5-4(c)	51.02
8-1.5-5-5	51.05
8-1.5-5-6	51.04
8-1.5-5-7	51.05

Cambridge City - Parallel References

<i>I.C.</i>	<i>2008 Code</i>
8-1.5- 5-8	51.05
9-13-2-1	90.01
9-13-2-49.3	72.01
9-22-1	90.03, 90.05
9-22-1-1 <i>et seq.</i>	90.01 – 90.03
9-22-1-1 – 9-22-1-32	90.01
9-22-1-8	90.02
9-22-1-11	90.03
9-22-1-12	90.03
9-22-1-13(b)	90.04
9-22-1-27	90.02
9-22-1-30	90.02, 90.03, 90.05
9-29-4-2	31.05
9-29-11-1	34.22
14-8-2-185	72.01
14-16-1	72.01
14-28-1	154.05
14-28-1-26	154.05
16-10-2-3	155.004
22-9-3-1	34.52
22-9.5	92.02
22-13-2-7	153.17
31-6-4-15.7	130.51
31-37-3	130.50, 130.51
31-37-19-27	130.51
32-1-6-1	155.004
33-36-2-1	35.04
33-36-2-3	35.06
33-36-3	35.06
34-28-5-1	35.03
35-42-4	34.67
35-46-3-7	91.21
36-1-3-8(a)(10)	10.99
36-1-5 <i>et seq.</i>	30.014
36-1-6-4	91.20
36-1-8-5	31.02
36-1-8-5.1	31.02
36-5-2-2	10.15
36-7-4	154.01
36-7-04	157.135
36-7-4-200 <i>et seq.</i>	32.02, 32.26
36-7-4-501 <i>et. seq.</i>	155.004
36-7-4-600 <i>et. seq.</i>	157.022

References to Indiana Code

4A

<i>I.C.</i>	<i>2008 Code</i>
36-7-9	153.47
36-7-9-14	31.07
36-7-9-20	153.41
36-7-10.1-4	90.23
36-8-3-4	30.051
36-8-12-13	93.12
36-8-12-16	93.12
36-8-13-14	93.12
Ch. 174	150.25, 156.045, 158.02, 158.03

REFERENCES TO 1981 CODE

<i>1981 Code</i>	<i>2008 Code</i>
1.301	35.01
1.302	35.02
1.303	35.03
1.304	35.04
1.305	35.05
1.306	35.06
1.307	35.07
1.308	35.08
1.309	35.09
2.101	30.001
2.102	30.002
2.104	30.004
2.105	30.005
2.106	30.006
2.107	30.007
2.108	30.008
2.109	30.009
2.110	30.010
2.111	30.011
2.112	30.012
2.113	30.013
2.114	30.014
2.115	30.015
2.116	30.016
2.201	31.70
2.202	31.71
2.203	31.72
2.204	31.73
2.301	31.50
2.302	31.51
2.303	31.52
2.304	31.53
2.306	31.54
2.307	31.55
2.401	30.030

Cambridge City - Parallel References

<i>1981 Code</i>	<i>2008 Code</i>
2.402	30.031
2.403	30.032
2.404	30.033
2.405	30.034
2.406	30.035
2.407	30.036
2.501	30.050
2.502	30.051
2.503	30.052
2.504	30.053
2.601	30.065
2.602	30.066
2.603	30.080
2.604	30.081
2.605	30.082
2.606	30.083
2.607	30.095
2.608	30.096
2.611	30.125
2.612	30.126
2.613	30.127
2.614	30.128
2.615	30.129
2.616	30.130
2.715	32.45
2.716	32.46
2.717	32.47
2.718	32.48
2.719	32.49
2.720	32.50
2.721	32.65
2.722	32.66
2.723	32.67
2.724	32.68
2.725	32.69
2.726	32.70
2.727	32.71
2.901	31.22
2.1001	34.20
2.1002	34.21
2.1003	34.22
2.1004	34.23

References to 1981 Code

7

<i>1981 Code</i>	<i>2008 Code</i>
2.1101	34.35
2.1102	34.36
2.1201	34.50
2.1202	34.51
2.1203	34.52
2.1301	34.65
2.1302	34.66
2.1303	34.67
2.1304	34.68
2.1305	34.69
2.1501	92.01
2.1502	92.02
2.1503	92.03
2.1504	92.04
2.1506	92.05
2.1507	92.06
2.1508	92.07
2.1510	92.08
3.101	150.20
3.102	150.21
3.103	150.22
3.104	150.23
3.105	150.24
3.106	150.25
3.201	156.001
3.203	156.002
3.203	156.003
3.204	156.010
3.205	156.011
Part 3, Ch. 2, App. A	156.004
Part 3, Ch. 2, App. B	156.060 - 156.065
Part 3, Ch. 2, App. C	156.070 - 156.073
Part 3, Ch. 2, App. D	156.080 - 156.083
Part 3, Ch. 2, App. E	156.090
Part 3, Ch. 2, App. F	156.095
Part 3, Ch. 2, App. G	156.100
Part 3, Ch. 2, App. H	156.105 - 156.107
3.301	158.01
3.302	158.02
3.303	158.10

Cambridge City - Parallel References

<i>1981 Code</i>	<i>2008 Code</i>
3.304	158.11
3.305	158.12
3.306	158.13
3.307	158.14
3.308	158.20
3.309	158.21
3.310	158.03
3.401	152.01
3.402	152.02
3.403	152.03
3.404	152.04
3.405	152.05
3.406	152.06
3.407	152.07
3.601	151.01
3.602	151.02
3.603	151.03
3.604	151.15
3.605	151.16
3.606	151.17
3.607	151.18
3.608	151.19
3.609	151.20
3.610	151.35
3.611	151.36
3.612	151.50
3.614	151.51
3.701	153.01

References to 1981 Code

8A

<i>1981 Code</i>	<i>2008 Code</i>
3.702	153.02
3.703	153.03
3.704	153.04
3.705	153.05
3.706	153.06
3.707	153.07
3.708	153.08
3.709	153.09
3.710	153.10
3.711	153.11
3.712	153.12
3.713	153.13
3.714	153.14
3.715	153.15
3.716	153.16
3.717	153.17
3.718	153.18
3.720	153.19
3.801	153.30
3.802	153.31
3.803	153.32
3.804	153.33
3.805	153.34
3.806	153.35
3.807	153.36
3.808	153.37
3.809	153.38

<i>1981 Code</i>	<i>2008 Code</i>
3.810	153.39
3.811	153.40
3.812	153.41
3.813	153.42
3.814	153.43
3.815	153.44
3.816	153.45
3.817	153.46
3.818	153.47
3.901	150.40
3.902	150.41
3.903	150.42
3.904	150.43
3.905	150.44
3.906	150.45
3.907	150.46
3.908	150.47
3.909	150.48
3.1101	150.60
3.1102	150.61
3.1103	150.62
3.1104	150.63
3.1105	150.64
3.1106	150.65
3.1107	150.66
3.1108	150.67
3.1109	150.68
4.101	33.01
4.102	33.02
4.103	33.03
4.104	33.04
4.105	33.05
4.106	33.06
4.107	33.07
4.108	33.08
4.109	33.20
4.110	33.21
4.111	33.22
4.112	33.23
4.113	33.24
4.114	33.25
4.115	33.26

Cambridge City - Parallel References

<i>1981 Code</i>	<i>2008 Code</i>
4.116	33.40
4.117	33.41
4.118	33.42
4.119	33.43
4.201	93.01
4.202	93.02
4.203	93.03
4.204	93.04
4.205	93.05
4.206	93.06
4.207	93.07
4.208	93.08
4.209	93.09
4.210	93.10
4.211	93.11
4.301	50.01
4.302	50.02
4.303	50.03
4.304	50.04
4.305	50.05
4.306	50.06
4.307	50.07
4.308	50.08
4.309	50.09
4.310	50.10
4.311	50.11
4.312	50.12
4.313	50.13
4.401	110.01
4.402	110.02
4.403	110.03
4.404	110.04
4.405	110.05
4.406	110.06
4.407	110.07
4.408	110.08
4.409	110.09
4.410	110.10
4.411	110.11
4.412	110.12
4.501	130.20
4.502	130.21

References to 1981 Code

<i>1981 Code</i>	<i>2008 Code</i>
4.801	94.001
4.802	94.002
4.803	94.003
4.804	94.015
4.805	94.030
4.806	94.031
4.807	94.032
4.808	94.033
4.809	94.034
4.810	94.035
4.811	94.036
4.812	94.037
4.813	94.038
4.814	94.050
4.815	94.051
4.816	94.052
4.817	94.053
4.818	94.054
4.819	94.055
4.820	94.056
4.821	94.057
4.822	94.058
4.823	94.059
4.824	94.060
4.825	94.075
4.826	94.076
4.827	94.077
4.828	94.078
4.829	94.079
4.830	94.080
4.831	94.081
4.832	94.082
4.833	94.083
4.834	94.084
4.901	93.25
4.902	93.26
4.903	93.27
4.904	93.28
4.905	93.29
4.906	93.30
4.1001	130.35
4.1002	130.36

Cambridge City - Parallel References

<i>1981 Code</i>	<i>2008 Code</i>
4.1101	130.50
4.1102	130.51
4.1201	90.40
4.1202	90.41
4.1203	90.42
4.1301	130.65
4.1302	130.66
4.1303	130.67
4.1304	130.68
4.1305	130.69
4.1306	130.70
4.1307	130.71
4.1309	130.72
5.101	70.002
5.102	70.003
5.103	70.015
5.104	70.016
5.105	70.017
5.106	70.018
5.107	70.019
5.108	70.030
5.109	70.031
5.110	70.032
5.111	70.033
5.112	70.034
5.113	70.035
5.114	70.036
5.115	70.050
5.116	70.051
5.117	70.052
5.118	70.053
5.119	70.054
5.120	70.055
5.121	70.056
5.122	70.057
5.123	70.058
5.124	70.059
5.125	70.060
5.126	70.061
5.127	70.062
5.128	70.063
5.129	70.075

<i>1981 Code</i>	<i>2008 Code</i>
5.130	70.076
5.131	70.077
5.132	70.078
5.133	70.079
5.134	70.080
5.135	70.081
5.136	70.082
5.137	70.083
5.138	70.084
5.139	70.085
5.140	70.086
5.141	70.087
5.142	70.088
5.143	70.089
5.144	70.090
5.145	70.091
5.146	70.092
5.147	70.093
5.148	70.094
5.149	70.095
5.150	70.096
5.151	70.097
5.152	70.098
5.153	70.099
5.154	70.100
5.155	70.101
5.156	70.102
5.157	70.115
5.158	70.116
5.159	70.117
5.164	70.001
5.201	71.01
5.202	71.02
5.203	71.03
5.204	71.04
5.205	71.05
5.206	71.06
5.207	71.07
5.208	71.08
5.209	71.09
5.210	71.10
5.211	71.11

Cambridge City - Parallel References

<i>1981 Code</i>	<i>2008 Code</i>
5.212	71.12
5.301	71.25
5.302	71.26
5.401	Ch. 74, Sch. I, 72.99
5.402	Ch. 74, Sch. I, 72.99
5.501	Ch. 73, Sch. II, 72.99
5.502	Ch. 73, Sch. II, 72.99
5.701	Ch. 73, Sch. III, 72.99
5.702	Ch. 73, Sch. III, 72.99
5.801	72.01
5.802	72.15
5.803	72.16
5.804	72.17
5.805	72.18
5.806	72.19
5.807	72.30
5.808	72.31
5.809	72.32
5.810	72.33
5.811	72.34
5.812	72.35
5.813	72.36
5.814	72.37
5.815	72.38
5.816	72.39
5.817	72.40
5.818	72.41
5.819	72.42
5.820	72.43
5.821	72.44
5.822	72.55
5.823	72.56
5.824	72.57
5.825	72.58
5.826	72.59
5.827	72.60
5.901	98.01
5.902	98.02
5.1001	95.01
5.1002	95.02
5.1003	95.03
5.1004	95.04

<i>1981 Code</i>	<i>2008 Code</i>
6.301	96.01
6.302	96.02
6.303	96.15
6.304	96.16
6.305	96.17
6.306	96.18
6.307	96.19
6.308	96.20
6.309	96.21
6.310	96.22
6.311	96.23
6.312	96.24
6.313	96.25
7.101	97.01
7.102	97.15
7.103	97.16
7.104	97.17
7.105	97.30
7.106	97.31
7.107	97.32
7.108	97.33
7.109	97.45
7.110	97.46
7.111	97.47
7.112	97.48
7.113	97.60
7.114	97.61
7.115	97.62
7.117	97.02

REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>2008 Code</i>
-	4-25-1867	TSO, Table I
-	4-10-1900	TSO, Table I
2-1908	3-3-1908	TSO, Table I
1-1912	4-8-1912	TSO, Table I
-	5-6-1918	TSO, Table I
5-1923	4-18-1923	TSO, Table I
5-1925	6-15-1925	TSO, Table I
6-1925	8-3-1925	TSO, Table I
1-1926	1-18-1926	TSO, Table I
1-1940	12-16-1940	TSO, Table I
1-1942	5-18-1942	TSO, Table I
1-1950	2-20-1950	TSO, Table I
1-1953	3-16-1953	TSO, Table I
3-1957	4-1-1957	TSO, Table I
2-1966	9-12-1966	TSO, Table I
1-1967	7-24-1967	TSO, Table I
1-1968	5-13-1968	TSO, Table I
1-1971	10-25-1971	TSO, Table I
2-1971	12-13-1971	TSO, Table I
1-1972	9-25-1972	TSO, Table I
2-1975	6-23-1975	TSO, Table I
1-1976	11-22-1976	TSO, Table I
1-1977	1-24-1977	TSO, Table I
2-1977	11-14-1977	TSO, Table I
1-1978	7-24-1978	TSO, Table I
2-1978	11-13-1978	TSO, Table I
1-1981	7-27-1981	TSO, Table I
2-1981	12-14-1981	TSO, Table I
1-1982	8-23-1982	TSO, Table I

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>2008 Code</i>
5-1957	6-3-1957	150.20 – 150.25
8-1957	8-26-1957	152.01 – 152.07
4-1964	10-12-1964	71.01 – 71.12
4-1965	10-11-1965	TSO, Table I
2-1968	1-22-1968	96.01, 96.02, 96.15 – 96.18, 96.20 – 96.25
1-1970	5-25-1970	TSO, Table II
2-1971	12-13-1971	70.001 – 70.003, 70.015 – 70.019, 70.030 – 70.032, 70.034 – 70.036, 70.050 – 70.056, 70.058 – 70.063, 70.075 – 70.099, 70.101, 70.102, 70.115 – 70.117
3-1971	12-13-1971	72.99, Ch. 73, Sch. II
SO 1-1972	5-8-1972	33.20 – 33.26
1-1972	12-11-1972	TSO, Table II
2-1975	4-28-1975	96.01, 96.02, 96.15 – 96.18, 96.20 – 96.25
4-1975	7-28-1975	96.01, 96.02, 96.15 – 96.18, 96.20 – 96.25
SO 1-1975	9-8-1975	32.65 – 32.71
4-1976	9-27-1976	150.40 – 150.48
2-1977	3-14-1977	70.001 – 70.003, 70.015 – 70.019, 70.030 – 70.032, 70.034 – 70.036, 70.050 – 70.056, 70.058 – 70.063, 70.075 – 70.102, 70.115 – 70.117
4-1977	9-26-1977	72.99, Ch. 73, Sch. III
5-1977	10-24-1977	71.25, 71.26
1-1979	10-22-1979	TSO, Table II
1-1980	3-24-1980	96.01, 96.02, 96.15 – 96.18, 96.20 – 96.25
1-1980	10-27-1980	TSO, Table II

Cambridge City - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>2008 Code</i>
1-1982	3-8-1982	34.20 – 34.23
5-1982	3-8-1982	96.01, 96.02
5-1982	3-8-1982	96.15 – 96.18, 96.20 – 96.25
6-1982	3-8-1982	94.001 – 94.003, 94.015, 94.030 – 94.038, 94.050 – 94.060, 94.075 – 94.084
7-1982	3-8-1982	33.20, 33.21, 33.23 – 33.26
8-1982	4-12-1982	34.35, 34.36
10-1982	5-10-1982	33.40 – 33.43, 153.30 – 153.47
12-1982	9-13-1982	151.01 – 151.03, 151.15 – 151.20, 151.35, 151.36, 151.50, 151.51
1-1983	1-24-1983	34.50 – 34.52
SO 2-1983	4-25-1983	TSO, Table I
2-1983	5-9-1983	96.01, 96.02, 96.15 – 96.18, 96.20 – 96.25
1-1983	6-13-1983	TSO, Table II
SO 3-1983	6-27-1983	TSO, Table I
3-1983	10-10-1983	93.25 – 93.30
SO 4-1983	11-14-1983	TSO, Table I
2-1984	1-23-1984	34.65 – 34.69
3-1984	4-23-1984	70.001 – 70.003, 70.015 – 70.019, 70.030 – 70.032, 70.034 – 70.036, 70.050 – 70.056, 70.058 – 70.063, 70.075 – 70.102, 70.115 – 70.117
5-1984	9-24-1984	70.001, 70.003, 70.015 – 70.019, 70.030 – 70.032, 70.034 – 70.036, 70.050 – 70.056, 70.058 – 70.063, 70.075 – 70.102, 70.115 – 70.117
7-1984	9-24-1984	130.35, 130.36
SO 3-1985	4-22-1985	TSO, Table I
1-1985	8-12-1985	72.01, 72.15 – 72.19, 72.30 – 72.44, 72.55 – 72.60
2-1985	8-12-1985	70.001 – 70.003, 70.015 – 70.019, 70.030 – 70.036, 70.050 – 70.056, 70.058 – 70.063, 70.075 – 70.102, 70.115 – 70.117
1-1986	6-23-1986	98.01, 98.02
2-1986	7-28-1986	97.01, 97.02, 97.15 – 97.17, 97.30 – 97.33, 97.45 – 97.48, 97.60 – 97.62
2-1988	2-8-1988	153.01 – 153.19
SO 5-1988	5-9-1988	31.04, 31.05
3-1988	7-11-1988	35.01 – 35.09
SO 2-1989	7-12-1989	TSO, Table I

References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>2008 Code</i>
1-1991	7-8-1991	96.19
2-1991	8-12-1991	130.50, 130.51
3-1991	8-12-1991	130.20, 130.21
4-1991	8-12-1991	90.40 – 90.42
1-1991	11-25-1991	TSO, Table II
SO 5-1991	12-9-1991	31.35 – 31.37
2-1992	3-19-1992	130.65 – 130.72
1-1994	2-14-1994	92.01 – 92.08
SO 1-1994	5-28-1994	TSO, Table I
2-1995	2-27-1995	110.01 – 110.12
3-1995	3-27-1995	50.01 – 50.13
1-1995	8-14-1995	TSO, Table II
6-1995	12-11-1995	95.01 – 95.04
SO 1-1996	6-10-1996	TSO, Table I
2-1996	9-23-1996	70.057
3-1996	11-25-1996	150.60 – 150.68
1-1997	5-27-1997	72.99, Ch. 74, Sch. I
98-4	10-12-1998	31.20, 31.21
SO WW 2-2000	2-14-2000	31.03
1-2001	2-20-2001	32.01 – 32.10
2-2001	2-20-2001	32.25 – 32.33
3-2001	3-12-2001	90.20 – 90.25
5-2001	8-13-2001	130.01 – 130.05, 130.99
6-2001	12-17-2001	31.02
3-2002	11-5-2002	30.003
SO WW 1-2003	3-24-2003	52.01, 52.15
1-2004	4-12-2004	90.01 – 90.05
2-2004	6-14-2004	51.01, 51.03 – 51.05
4-2004	12-13-2004	72.99, Ch. 73, Sch. I
1-2005	2-28-2005	TSO, Table I
3-2005	6-13-2005	31.01
2-2005	7-11-2005	51.06
--	12-6-2005	157.001 - 157.006, 157.010 - 157.012, 157.020 - 157.027, 157.030 - 157.034, 157.040 - 157.044, 157.051, 157.052, 157.060 - 157.067, 157.070 - 157.072, 157.074 - 157.076, 157.080 - 157.085, 157.090 - 157.094, 157.100 - 157.112, 157.115, 157.120 - 157.123, 157.130, 157.131, 157.135, 157.136, 157.137
1-2006	2-13-2006	155.001 - 155.004, 155.010 - 155.014, 155.020 - 155.032, 155.040, 155.041,

Cambridge City - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>2008 Code</i>
		155.050 - 155.056, 155.060 - 155.068, 155.070 - 155.075, 155.080 - 155.085, 155.090, 155.100 - 155.106, 155.110 - 155.117, 155.120 - 155.126, 155.130 - 155.136, 155.140 - 155.146, 155.150 - 155.152, 155.160 - 155.165, 155.170 - 155.175, 155.180 - 155.184, 155.190 - 155.193, 155.200 - 155.204, 155.210, 155.220 - 155.222, 155.230, 155.235, 155.236, 155.240 - 155.242, 155.245 - 155.247, 155.250 - 155.257, 155.299
2-2006	2-13-2006	T.S.O. II
4-2006	9-11-2006	34.01 - 34.05, 50.11
5-2006	10-9-2006	34.80
1-2007	4-9-2007	150.01 - 150.05
2-2008	3-10-2008	130.50, 130.51, 130.99
3-2008	4-14-2008	70.135 - 70.140, 70.999
4-2008	7-14-2008	96.25
5-2008	10-13-2008	34.22
6-2008	11-10-2008	91.01, 91.02, 91.04 - 91.23, 91.99
7-2008	12-8-2008	30.080, 30.095, 31.03 - 33.04, 33.07, 33.20 - 33.23, 33.41 - 33.43, 35.06, 72.16, 72.18, 72.19, 72.56, 72.58 - 72.60, 130.72
8-2008	12-8-2008	10.99, 50.99, 70.999, 71.99, 72.99, 90.99, 92.99, 93.99, 94.999, 95.99, 96.99, 97.99, 110.99, 130.99, 150.99, 151.99, 152.99, 153.99
1-2009	2-9-2009	T.S.O. I
2-2009	2- - 2009	T.S.O. I
5-2009	8-24-2009	99.01 - 99.06, 99.99
7-2009	9-14-2009	91.18
8-2009	9-14-2009	Ch. 73, Sch. I
9-2009	11-14-2009	100.01 - 100.03, 100.99
10-2009	12-14-2009	150.02
1-2010	3-8-2010	52.01
4-2010	8-9-2010	52.15
1-2011	1-10-2011	72.01, 72.16
2-2011	4-11-2011	50.09, 50.11
3-2011	4-11-2011	31.06

References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>2008 Code</i>
4-2011	6-13-2011	97.49
6-2011	10-10-2011	Ch. 74, Sch. I
7-2011	11-14-2011	155.070
8-2011	3-12-2012	96.16, 96.18
5-2012	11-14-2014	72.01, 72.15, 72.16, 72.18, 72.31, 72.33 – 72.44, 72.55 – 72.58, 72.60
1-2013	2-11-2013	31.07
2-2013	4-8-2013	52.01
3-2013	4-8-2013	30.004
4-2013	9-16-2013	93.12
5-2013	5-13-2013	97.31
7-2013	10-14-2013	110.01, 110.03 – 110.05
9-2013	12-9-2013	T.S.O. I
1-2015	3-9-2015	Ch. 74, Sch. I
2-2015	3-9-2015	154.01 – 154.06
3-2015	3-9-2015	36.01 – 36.15
4-2015	5-11-2015	36.12
6-2015	9-14-2015	52.15
7-2015	10-12-2015	51.02
1-2016	5-9-2016	50.11
2-2016	6-13-2016	51.02
2a-2016	6-13-2016	97.50
1-2017	7-10-2017	32.34 – 32.39
2-2017	7-10-2017	156.026

**CAMBRIDGE CITY, INDIANA
TABLE OF CONTENTS**

Chapter

TITLE I: GENERAL PROVISIONS

- 10. General Provisions

TITLE III: ADMINISTRATION

- 30. Town Council and Officials
- 31. Finance
- 32. Town Organizations
- 33. Police Department
- 34. Town Policies
- 35. Enforcement of Ordinances
- 36. Personnel

TITLE V: PUBLIC WORKS

- 50. Garbage and Trash Disposal
- 51. Storm Water Management
- 52. Water Works
- 53. Sewage Works

TITLE VII: TRAFFIC CODE

- 70. Traffic Regulations
- 71. General Provisions
- 72. Motorized Bicycles
- 73. Traffic Schedules
- 74. Parking Schedules

TITLE IX: GENERAL REGULATIONS

- 90. Health and Safety; Nuisances
- 91. Animals
- 92. Fair Housing
- 93. Fire Prevention and Protection
- 94. Litter Control
- 95. Public Ways
- 96. Cemeteries
- 97. Parks and Recreation
- 98. Railroads
- 99. Street Trees
- 100. Sidewalks and Curbs

Cambridge City - Table of Contents

TITLE XI: BUSINESS REGULATIONS

- 110. Solicitors

TITLE XIII: GENERAL OFFENSES

- 130. General Offenses

TITLE XV: LAND USAGE

- 150. General Provisions
- 151. Manufactured Housing Regulations
- 152. Thoroughfare Plan
- 153. Buildings
- 154. Flood Plain Management
- 155. Unincorporated Jurisdictional Area Zoning
- 156. Incorporated Jurisdictional Area Zoning
- 157. Unincorporated Jurisdictional Area Subdivision
- 158. Incorporated Jurisdictional Area Subdivision

TABLE OF SPECIAL ORDINANCES

Table

- I. Vacation of Streets, Alleys, and Public Ways
- II. Zoning Map Changes

PARALLEL REFERENCES

- References to Indiana Code
- References to 1981 Code
- References to Resolutions
- References to Ordinances

INDEX

TABLE OF SPECIAL ORDINANCES

Table

- I. VACATION OF STREETS, ALLEYS,
AND PUBLIC WAYS**
- II. ZONING MAP CHANGES**

TABLE I: VACATION OF STREETS, ALLEYS, AND PUBLIC WAYS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
Res. -	4-25-1867	Vacating all the streets and alleys south of the Central Railroad east of the river between Park Street and College Street, excepting all of Lee Street and so much of South Third Street as lies between Lee Street and Graham Street.
Res. -	4-10-1900	Vacating West Street between Jones Street and Walnut Street, excepting 15 feet in the center of the street for an alley.
Res. 2-1908	3-3-1908	Vacating all that part of the alley running north and south through Block 3 in Manufacturer's Addition.
Res. 1-1912	4-8-1912	Vacating that part of South Chestnut Street lying between the north line of South Second Street and the south line of the first alley north of Second Street.
Res. -	5-6-1918	Vacating parts of alleys in Block 21, west of the River and south of the National Road, as follows: The north to south alley from South Fourth Street to the south line of the east to west alley in the Block. The east to west alley from the north line of the east to west alley through the Block, westward to Green Street.
Res. 5-1923	4-18-1923	Vacating all that part of East Canal Street between Church Street and the first alley north of Church Street.

Cambridge City - Table of Special Ordinances

Res. 5-1925	6-15-1925	Vacating Canal Street between Main Street and the first alley north of Main Street.
Res. 6-1925	8-3-1925	Vacating North Second Street between Lincoln Drive and the first alley west of Lincoln Drive.
Res. 1-1926	1-18-1926	Vacating Graham Street between East Main Street and South Front Street.
Res. 1-1940	12-16-1940	Vacating alley running east and west through Block 10, east of the river and south of the National Road.
Res. 1-1942	5-18-1942	Vacating the north half of the alley running north and south through Block 20, west of the river and south of the National Road.
Res. 1-1950	2-20-1950	Vacating 20 feet in width off the north side of North Front Street between Lincoln Drive and Myers Avenue.
Res. 1-1953	3-16-1953	Vacating alley between Lots 1, 17, 18, 39, and 40, east of the river and south of the National Road (first alley south of Main Street, extending west from Gay Street to a north to south alley).
Res. 3-1957	4-1-1957	Vacating the south half of the alley running north and south through Block 20, west of the river and south of the National Road.
Res. 2-1966	9-12-1966	Vacating a right-of-way for a sewer and septic tank south of South Front Street (Church Street) between Lincoln Drive and Gay Street.
Res. 1-1967	7-24-1967	Vacating the alley running east and west through Block 20, west of the river and south of the National Road.

Res. 1-1968	5-13-1968	Vacating the north half of the alley running north and south through Block 4, west of the river and north of the National Road.
Res. 1-1971	10-25-1971	Vacating the street and cul-de-sac in Capital Hill Subdivision.
Res. 2-1971	12-13-1971	Vacating North Third Street between Lee Street and Graham Street.
Res. 1-1972	9-25-1972	Vacating the north half of North Second Street between Lee Street and Graham Street.
Res. 2-1975	6-23-1975	Vacating all of Canal Street lying east of Blocks 1 and 7 in Hawkins Second Addition.
Res. 1-1976	11-22-1976	Vacating the north half of South Second Street between Green Street and Jones Street, and vacating the north-south alley in the south half of Block 16, west of the river and south of the National Road.
Res. 1-1977	1-24-1977	Vacating College Street between Main Street and North Front Street, east of the river and north of the National Road.
Res. 2-1977	11-14-1977	Vacating the north half of the alley running north and south through Block 1 in Hawkins Second Addition.
Res. 1-1978	7-24-1978	Vacating the alley running north and south through Block 25, west of the river and south of the National Road.
Res. 2-1978	11-13-1978	Vacating Maple Street lying between Block 10 and Block 15, west of the river and north of the National Road, and vacating the north-south and the east-west alley in Block 10, west of the river and north of the National Road.

Cambridge City - Table of Special Ordinances

Res. 1-1981	7-27-1981	Vacating that part of North Front Street lying between Blocks 15 and 16, that part of North Second Street lying between Blocks 16 and 21, and the alleys running east and west in the Blocks 15 and 16, all in the Old Plat, east of the river and north of the National Road.
Res. 2-1981	12-14-1981	Vacating the east half of an alley running east and west through Block Number 4, in Hawkins Second Addition, west of the river and north of the National Road.
Res. 1-1982	8-23-1982	Vacating South Fifth Street between South Foote Street and a platted alley in Block Number 1 in the Manufacturer's Addition.
SO 2-1983	4-25-1983	Vacating the south half of the north half of South Second Street between Green Street and Jones Street.
SO 3-1983	6-27-1983	Vacating the south half of the north-south alley running through Block Number 9, west of the river and south of the National Road.
SO 4-1983	11-14-1983	Vacating part of the east-west alley running through Block Number 8, west of the river and south of the National Road.
SO 3-1985	4-22-1985	Vacating South Second Street between Center Street and Plum Street.

Vacation of Streets, Alleys, and Public Ways

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
SO 2-1989	7-12-1989	Vacating the alley running north and south between Lot 25 in Block Number 28 and Lot 8 in Block Number 29, west of the river and south of the National Road; vacating the alley running east and west through the east half of Block Number 28 and through Block Number 29, west of the river and south of the National Road.
SO 1-1994	5-28-1994	Vacating the west end of the alley running east and west between South Lincoln Drive and the first alley east thereof, east of the river and south of the National Road.
SO 1-1996	6-10-1996	Vacating alley running north and south through the north half of Block 24, west of the river and south of the National Road.
1-2005	2-28-2005	Vacating alley way and street described in attached Exhibit "A."
1-2009	2-9-2009	Vacating a portion of a certain public way, said public way being North Third Street beginning at a point located at the southeast corner of Lot 15 of Richardson Addition, said lot lying to the North of Third Street, running thence west to the southwest corner of Lot 20 of the Richardson Addition, said lot lying to the North of Third Street.
2-2009	2- -2009	Vacating a portion of a certain public way, said public way being North Pearl Street beginning at a point located 140 feet south of the northeast corner of Lot 14 of the Richardson Addition, said lot lying to the west of Pearl Street, running thence south to the

Cambridge City - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		southeast corner Lot 1 of the Richardson Addition, said lot lying to the west of Pearl Street.
9-2013	12-9-2013	Vacating a portion of a public alley located at a 15-foot wide alley currently owned by the town running east and west between South Foote Street and South Green Street, and specifically described as the entire 200-foot length thereon located directly between the parcels of real estate owned by the Petitioner at 106-118 W. Church Street (Map No. 24-27-230-309.001-19 and 24-27-230-309.011-19) and Petitioner's parking lot located at South Second Street (Map No. 24-27-230-318.001-19).

TABLE II: ZONING MAP CHANGES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
4-1965	10-11-1965	Rezones from “FP-Flood Plain” to “B-Residential” a tract of land lying between Maple Street and Parkway Drive, and east of Green Street, containing two and forty-seven hundredths acres.
1-1970	5-25-1970	Zones as “A-Residential” a tract of land annexed to the Town, lying north of Delaware Street between Cunningham Heights and Breezeway Additions on the east, and the corporation line on the west.
1-1972	12-11-1972	Rezones from “B-Residential” to “GB-General Business” Lots Number 17 through 24 in Block 11, west of the river and north of the National Road.
1-1979	10-22-1979	Rezones from “A-Residential” and “B-Residential” to “GB-General Business” a tract of land lying between East Main Street and East Delaware Street, and east of Lee Street.
1-1980	10-27-1980	Rezones from “I-Industrial” to “LB-Local Business” a tract of land lying east of Boundary Street between the Norfolk & Western and Penn Central Railroads.

Cambridge City - Table of Special Ordinances

1-1983	6-13-1983	Rezones from “I-Industrial” to “B-Residential” a tract of land lying between South Fourth Street and the south corporation line, between South Walnut Street and South Jones Street extended south.
1-1991	11-25-1991	Rezones from “R-1 Single-Family Residence” to “R-2 Multi-Family Residence” a tract of land in the southwest quarter of Section 23, Township 16 North, Range 12 East, Jackson Township, Wayne County.
1-1995	8-14-1995	Rezones from “M-1 Light Industrial” to “C-3 General Business” a tract of land lying east of South State Road 1 and south of U.S. Highway 40, containing six and one hundred eighty-four thousandths acres.
2-2006	2-13-2006	Adoption of zoning map.